



5 CLOSED  
STACKS



GOVERNMENT INFORMATION CENTER  
SAN FRANCISCO PUBLIC LIBRARY

SAN FRANCISCO  
PUBLIC LIBRARY

REFERENCE  
BOOK

*Not to be taken from the Library*

SAN FRANCISCO PUBLIC LIBRARY



3 1223 05719 5480







NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.

January 2, 1990

\*\*\*\*\*

City Hall, Room 2-C (Basement)

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 1426-1428 Guerrero St. K001-33A
- V. Communications
- VI. Director's Report
- VII. Remarks from the Public
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
  - A. Appeal Hearings
    - 1010 Bush Street K001-45R thru K001-64R
  - B. Earthquake Issues
  - C. Proposed Rules and Regulations Changes
    - Precertification Hearings for Occupied Buildings
- X. New Business
- XI. Calendar Items
- XII. Adjournment

DOCUMENTS DEPT.

1972A


NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY



INTER-OFFICE MEMORANDUM

---

DATE: January 2, 1990  
TO: Rent Board Commissioners  
FROM: Joe Grubb 

The following sites are scheduled for your meetings for the month of January:

Tuesday, January 2, 1990  
Room 228, Board of Supervisors's  
Committee Room  
City Hall at 5:30 p.m.


\* Tuesday, January 9, 1990  
North of Market Community  
Dorothy Day Community Center  
(Dining Room)  
54 McAllister at 5:30 p.m.

Tuesday, January 16, 1990  
Room 228, Board of Supervisor's  
Committee Room

\* Tuesday, January 23, 1990  
Chinatown Community  
Commodore Stockton School (Auditorium)  
950 Clay at 5:30 p.m.

Tuesday, January 30, 1990  
Room 228, Board of Supervisor's  
Committee Room  
City Hall at 5:30 p.m.

1983A



Digitized by the Internet Archive  
in 2012 with funding from  
California State Library Califa/LSTA Grant

<http://archive.org/details/85minutesregular1990sanf>



MINUTES OF THE SPECIAL COMMUNITY MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday,  
January 9, 1990 at 5:30 p.m. at the Dorothy Day Community  
Center, 54 McAllister Street  
\*\*\*\*\*

I. Call to Order

President Astle called the meeting to order at 6:47 p.m.

II. Roll Call

Commissioners Present: Astle; Carrico; Hammill; How;  
Lipski; Marshall; McGoldrick;  
Villa  
Commissioners not Present: Stephenson  
Staff Present: Grubb; Wolf

Commissioner Hammill went off the record at 7:20 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of January 2, 1990 as written.  
(Marshall/How: 5-0)

IV. Consideration of Appeals

A. 1426 Guerrero Street K001-33A (cont. from 1/2/90)

Extensive renovation was undertaken on this property, which required tenant displacement for several months. Upon reoccupancy, three tenants filed petitions regarding decreased services due to inconveniences experienced during the period of construction and modifications made to their units. The landlord appeals the rent reductions granted by the hearing officer, alleging that the services have actually been increased and that the amounts are excessive.

Additionally, the landlord petitioned for and was granted capital improvement pass-throughs based on the cost of the work. The landlord also appeals this decision, specifically challenging the application of Rules and Regulations Section 7.12(d). The landlord feels that this 10% cap on capital improvement pass-throughs should not apply to work undertaken prior to the enactment of this Regulation, and alleges that he is suffering financial hardship as a result.



MSF: To accept the landlord's appeal regarding the capital improvement pass-through on the issue of extraordinary circumstances; to accept the landlord's appeal regarding the decreased services on the issue of the water pressure and tarp on the fire escape.  
(Carrico/How: 1-4; Astle, How, Marshall, McGoldrick dissenting)

MSC: To accept the landlord's appeal and schedule a Board hearing on the issues of the water pressure, tarp and landlord hardship; if there is such a finding, the tenants shall have an opportunity to re-open the question of capital improvement certification. Technical corrections shall be done by staff at the time of issuance of the appeal decision.  
(Marshall/McGoldrick: 5-0)

B. 1245 California #502 K001-36A

The tenant filed a petition for rent reduction based on decreased housing services due to the actions of an unusually noisy neighbor. The hearing officer granted a 10% base rent reduction going back 1-1/2 years due to the extraordinary circumstances of this case. On appeal, the landlord asserts that he made numerous efforts to restrain the troublesome tenant; that he was threatened with a counter-suit should he proceed with an unlawful detainer; and that the rent reduction should not go back more than one year.

MSC: To uphold the hearing officer and deny the appeal.  
(McGoldrick/Marshall: 5-0)

C. 206 Ashton Ave. #2 K001-38A

Extensive remodelling done to this unit led to previous cases between these parties concerning alleged wrongful eviction attempts and an illegal rent increase; the tenant prevailed in both matters. The tenant was originally granted a 15% rent reduction because the re-configuration of his unit caused him to lose square footage and a closet; three good-sized rooms were converted to four very small rooms. The landlord appealed, alleging that the square footage had actually increased. The case was remanded on the issue of the 15% reduction for the reduced space.

On remand, the hearing officer upheld the 15% reduction because, although the unit has increased in size, the new floor plan makes this unit much less desirable for this tenant. The landlord again appeals, maintaining that her representative at the hearing had insufficient knowledge of the facts, and the hearing officer therefore relied on erroneous information supplied by the tenant.

MSC: To deny the appeal; staff will issue a technical correction clarifying that the rent reduction is on-going and setting the base rent.  
(Marshall/McGoldrick: 5-0)





D. 759 Capp Street #3

K001-37A

The tenants were granted rent reductions and a proposed rent increase was denied due to substandard conditions in the unit. On appeal, the landlord alleges bias towards the tenants on the part of the hearing officer; failure to construe the law in accordance with proffered evidence; and failure to consider evidence offered by the landlord.

MSC: To uphold the hearing officer's decision and deny the appeal. (Marshall/McGoldrick: 5-0).

E. 3446 19th Street

K001-71R

Four tenants sub-let this flat from another tenant in the building; all tenants petitioned regarding alleged illegal rent increases under Ordinance Section 37.3(c), one tenant alleged a wrongful eviction attempt. The hearing officer found that Ordinance Section 37.3(c) does not apply to the facts of this case as this Section prohibits a master tenant, upon initial occupancy, from charging a sub-tenant more than the master tenant is paying the landlord. None of the tenants herein were original occupants under the sub-tenancy agreement, and had no proof as to the rents charged at this time. One tenant appeals, alleging that the intent of Ordinance Section 37.3(c) was to prevent profiteering by master tenants, and that the "services" provided by the master tenant herein are insufficient to justify the rent differential charged.

MSC: To accept the appeal and schedule a hearing before the Board. (How/McGoldrick: 5-0)

V. Remarks From The Public

The Board scheduled this special community meeting in the North of Market area in order to obtain the public's input on the earthquake and other issues. The following persons addressed the Commissioners:

1. Thomas Lacey: at what point do items that would normally be considered operating expenses qualify as capital improvements? It isn't fair for tenants to receive a permanent base rent increase for work that was caused by extraordinary circumstances that are not on-going.

2. Robert Pender, Parkmerced Tenants Organization - Parkmerced is doing a lot of post-earthquake work, all of which may not be necessary (i.e., repairing sidewalk cracks).

3. Jonathan Runckel, North of Market Planning Coalition (N.O.M.P.C.) - the poor turnout may have to do with the difficulty of getting people out at night in this neighborhood.

4. Leslie Goyette - how closely is the City monitoring to make sure that necessary repairs are done?



5. Sherrie Williams, N.O.M.P.C. - there is a need for the City's informational materials regarding the quake to be produced in languages other than English, especially Vietnamese, Cambodian, Lao, Tagalog and Chinese in the Tenderloin.

6. Michael Gerber - what happens to a tenant's rent when there's a change in ownership?

7. Jean Saso - is the 10% cap going to remain in place for earthquake work?

VI. Communications

The Commissioners received the following communications:

A. A copy of a letter from the Executive Director to Rudy Nothenberg regarding the need for panic bars at the Grove Street basement door to City Hall, so that a security guard would not be necessary.

B. A copy of a letter from the Executive Director to Supervisor Kennedy regarding penalties for excess water useage in multi-unit dwellings.

C. The confidential Rent Board staff roster.

D. The Neighborhood Conservation Ordinance.

VII. Director's Report

The Executive Director informed the Board that:

A. The current caseload and backlog resulting from the earthquake is being evaluated in light of the pending hiring of full-time hearing officers.

B. There is no word on the appointment of a new Landlord Alternate Commissioner.

C. He will be drafting a letter supporting the Arts Commission's request for a supplemental budget appropriation in order to improve space for a Commission meeting room at 25 Van Ness, which the Rent Board would be able to use.

D. A "Voice Processing" system has been priced at \$1,000.00 per month; alternatives are being explored.

E. Almost 1.2 million dollars have been collected through the residential rental unit fee thusfar.

F. The Rent Board will hold a housewarming party on February 14, 1990 beginning around 4:30 p.m.



VIII. Old Business

A. 60 Leavenworth St.

J002-23R through J002-28R

The Board passed the following motion regarding the pending remand hearing on this case:

MSC: To vacate the original hearing officer's decision and schedule a new hearing before a hearing officer to consider issues raised on appeal under the Rent Ordinance, under the same Regulations in effect at the first hearing. (Marshall/How: 5-0)

B. Eviction Pre-Certification Hearings for Substantial Rehabilitation of Occupied Buildings.

Commissioner Lipski submitted a revised draft of this document (Part 8 of the Rules and Regulations); the Executive Director will forward to Deputy City Attorney Pennypacker for comments. The Commissioners also clarified the amendments to Section 1.16 of the Rules and Regulations (definition of substantial rehabilitation) that have been passed by the Board.

C. Earthquake Issues

The Commissioners and Executive Director discussed the proposed expedited Permit Application and Review Process in conjunction with the Neighborhood Conservation Ordinance. It appears that the proposed language incorporates necessary relevant Rent Ordinance provisions.

IX. Calendar Items

January 16, 1990

3 appeal considerations

Old Business

A. Proposed Rules and Regulations Changes

Eviction Pre-Certification Hearings for Substantial Rehabilitation of Occupied Buildings.

B. Earthquake Issues

Appeal Hearing:

6:00 388 5th Street

K001-10R (accpt. 9/26/89;  
postponed from 10/31/89)

January 23, 1990

Special Community Meeting

6 appeal considerations

6:30 Public Testimony

X. Adjournment

President Astle adjourned the meeting at 8:35 p.m.  
1999A







NOTICE OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, 5:30 p.m. January 16, 1990

\*\*\*\*\*  
ROOM 228, BOARD OF SUPERVISOR'S COMMITTEE ROOM, CITY HALL  
\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 340-356 Spruce St. K001-40A
- V. Communications
- VI. Director's Report
- VII. Remarks from the Public
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
  - A. Proposed Rules and Regulations Changes; Eviction Pre-Certification Hearings for Substantial Rehabilitation of Occupied Buildings
  - B. Earthquake Issues
- X. New Business
- XI. Appeal Hearing
  - 6:00 388 5th Street K001-10R (accepted 9/26/89; postponed from 10/31/89)
- XII. Calendar Items
- XIII. Adjournment

DOCUMENTS DEPT.

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY

2003A





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, January 16, 1990 at 5:30 p.m. at City Hall, Room 228

\*\*\*\*\*

I. Call to Order

President Astle called the meeting to order at 5:44 p.m.

II. Roll Call

Commissioners Present: Astle, Carrico, Hammill, How,  
Lipski, Stephenson  
Commissioners not Present: Marshall, McGoldrick, Villa  
Staff Present: Grubb, Wicks

III. Approval of the Minutes

MSC: To approve the Minutes of January 9, 1990, as written.  
(How/Hammill: 5-0)

MSC: To correct the Minutes of August 29, 1989 to reflect  
the following motion was moved and seconded under VII.  
Old Business:

I. Section 1.16

To add the following:

Improvements will not be deemed substantial unless the cost of the work equals or exceeds seventy-five percent (75%) of the cost of newly constructed residential buildings of the same number of units and type of construction, excluding land costs and architectural/engineering fees. The determination of this estimated cost shall be based upon construction cost data reported by Marshall and Swift, Valuation Engineers, as adapted for San Francisco and posted in January and June of each year in the Bureau of Building Inspection for purposes of determining permit fees. The schedule posted nearest in time to the date of the Notice of Completion of the improvements shall apply.  
(How/Hammill: 5-0)

IV. Consideration of Appeals

A. 340-356 Spruce Street K001-40A

The landlord had filed a petition for capital improvements, to which the tenants offered a number of challenges. The hearing officer left



the record open to allow the landlord to submit evidence of what portions of the work were covered by insurance compensation for fire damage; this information was not provided. Improper rent increases in 1984 and 1985 were nullified, with a resulting overcharge refund of approximately \$5,000 per unit. Additionally, the landlord was refusing to allow one tenant back into her unit following completion of the work to correct fire damage because he felt she might not be able to pay the rent increase for repair work. On appeal the landlord stated that his rent overcharges should be offset by the fact that he had not sought a rent increase since 1985; that he should be given more time to present insurance information; and that the tenant in one unit had vacated and should not get a reduction after moving out

MSC: To deny the appeal concerning capital improvements but to accept the case at the Board level on the issue of illegal rent increases. Corrections will be made concerning the tenant who vacated. A letter will be sent to the landlord informing him of the requirement to allow the fire-displaced tenant to reoccupy.  
(Carrico/How: 5-0)

V. Director's Report

A. Executive Director Joe Grubb informed the Commissioners that Deputy Director O'Hearn had returned from leave;

B. Mr. Grubb reported on the status of the hiring of new hearing officers.

VI. New Business

A. Election of Board officers will be calendared for February 13, 1990;

B. The "office warming" for the Rent Board's new office will be held on February 14, 1990 from 5:00 p.m. to 6:30 p.m.;

C. The Board passed the following motion:

MSC: To express the Commissioners' thanks to Pedro Ruiz for acting in the capacity of Eviction Unit Supervisor and to Alicia Wicks for being acting Deputy Director for the past five months. (Hammill/Carrico: 5-0)

VII. Appeal Hearing

388 - 5th Street

K001-10R (accpt. 9/26/89)

The complaining tenant, who has since vacated but whose attorney was granted intervener status by the hearing officer, appealed the hearing officer's determination that the subject property has been substantially rehabilitated within the meaning and provisions of the Rent Ordinance and the Rules and Regulations. On appeal, the tenant



alleges that the hearing officer selectively evaluated the evidence by ignoring the Rent Board's previous decision of May 1987--upheld by the Commissioners at that time--that the property did not need substantial rehabilitation; and that the amount of work done was unnecessary because the building was fully habitable, not condemned, and had no revocation of the permit of occupancy. He argued that a habitable, affordable building would be forever excluded from the jurisdiction of the Rent Ordinance, thus permanently removing it from the affordable housing stock.

In rebuttal, the landlord argued that the property was in a state of serious dilapidation, including the fact that part of the building had sunk into the ground and/or had no foundation; electrical systems were not grounded; plumbing defects resulted in raw sewage seepage; gas lines leaked; and so on.

After reviewing the documentary and testamentary evidence, the Board voted as follows:

MSC: To uphold the hearing officer and find that the property qualifies as substantially rehabilitated as set forth in the Ordinance and Rules and Regulations. (Carrico/How: 4-1; Stephenson dissenting)

#### VIII. Old Business

A. The Commissioners asked for a report on the status of suggestions for Ordinance changes sent to the City Attorney several months ago. Possible Rules changes not yet the subject of public hearing were also mentioned;

B. The draft changes for Rules and Regulations Sections 8.10 through 8.14 were discussed, with a renewed request for review by the City Attorney.

#### IX. Calendar Items

January 23, 1990--\*\*COMMODORE STOCKTON SCHOOL AUDITORIUM\*\*  
8 appeal considerations

6:30- COMMUNITY MEETING

Old Business: A. Proposed Rules and Regulations Changes  
B. Earthquake Issues  
C. Possible Ordinance Changes

January 30, 1990  
3 appeal considerations

#### Appeal Hearings

6:00- 1426 Guerrero K001-33A (accpt. 1/9/90)

6:30- 3445 - 19th St. K001-71R (accpt. 1/9/90)

Old Business: A. Proposed Rules and Regulations Changes  
B. Earthquake Issues  
C. Possible Ordinance Changes

#### X. Adjournment

President Astle adjourned the meeting at 7:45 p.m.







NOTICE OF THE COMMUNITY MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD

Tuesday, January 23, 1990

\*\*\*\*\*  
Commodore Stockton School 950 Clay Street  
\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 3358 Market St. K001-41A
  - B. 1510-A Jackson St. K001-42A
  - C. 646 O'Farrell St., #4 K001-43A
  - D. 138 & 144 Noe St. K001-44A
  - E. 760 Northpoint #101 & #102 K001-39A
  - F. 760 Northpoint #101 K001-72R
  - G. 760 Northpoint #101 K001-73R
  - H. 760 Northpoint #1 K001-74R
- V. Communications
- VI. Director's Report
- VII. 6:30 p.m.--COMMUNITY MEETING/REMARKS FROM THE PUBLIC
- VIII. Old Business:
  - A. Proposed Rules & Regulations Changes
  - B. Earthquake Issues
  - C. Possible Ordinance Changes
- IX. New Business
- X. Calendar Items
- XI. Adjournment

2012A

DOCUMENTS DEPT.

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY





MINUTES OF THE SPECIAL COMMUNITY MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday,  
January 23, 1990 at 5:30 p.m. at the Commodore Stockton School,  
950 Clay Street

\*\*\*\*\*

I. Call to Order

Vice-President How called the meeting to order at 5:31 p.m.

II. Roll Call

Commissioners Present:	Carrico; How; Lipski; McGoldrick; Stephenson.
Commissioners not Present:	Astle; Villa.
Staff Present:	Grubb; Wolf.

Commissioner Marshall appeared on the record at 5:34 p.m.; Commissioner Hammill appeared at 5:36 p.m.; Commissioner Carrico went off the record at 6:55 p.m.; and Commissioner McGoldrick went off the record at 8:00 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of January 16, 1990 as written.  
(Carrico/Lipski; 5-0)

IV. Consideration of Appeals

A. 3358 Market Street K001-41A

The tenants were granted a substantial rent reduction due to the infestation of the premises by skunks. On appeal, the landlord maintains that he responded promptly to the tenants' complaints, and that his exterminator's attempts at skunk eradication had been successful.

MSC: To remand the case to the same hearing officer for a new hearing. (Carrico/How: 3-2; Marshall, McGoldrick dissenting)

B. 1510A Jackson Street K001-42A

The tenant was granted a rent reduction due to the removal of a window on his porch. The plywood replacement allows no natural light to enter the unit and has created a mildew problem. On appeal, the landlord maintains that plenty of light still enters the unit, and disputes the square footage calculations of the tenant's unit used by the hearing officer.



MSF: To deny the appeal. (Marshall/McGoldrick: 2-3; Carrico, How, Lipski dissenting)

MSC: To remand the case to the same hearing officer on the issue of the amount granted for the decrease in services considering the information presented on appeal. (Carrico/Lipski: 4-1; McGoldrick dissenting)

C. 646 O'Farrell St. #4 K001-43A

The tenant's petition alleging decreased housing services and the landlord's failure to repair and maintain was denied, but rent overcharges due to incorrectly calculated PG&E pass-throughs and non-certified capital improvements were refunded. The landlord appeals because she did not own the property at the time the illegal charges were imposed, and has experienced difficulty in obtaining prior records.

MSC: To remand this case on the record to re-examine whether the refund has been properly calculated. (Marshall/McGoldrick: 5-0)

D. 138 & 144 Noe St. K001-44A

Extensive renovation of the subject property caused the tenants to temporarily re-locate; the hearing officer granted rent reductions for decreased housing services. The work took longer than anticipated but the hearing officer denied the landlord's Petition for Extension of Time due to his finding of bad faith on the part of the landlord. On appeal, the landlord alleges bias on the part of the hearing officer and maintains that he has complied with all of the requirements mandated by the Ordinance and Regulations.

MSC: To uphold the hearing officer and deny the appeal. (McGoldrick/Marshall: 5-0)

E. 760 Northpoint K001-39A, K001-72R, K001-73R  
and K001-74R (consolidated)

The landlord petitioned for rent increases based on capital improvements, which were granted by the hearing officer; two tenants appeal this decision on the basis of hardship. Two tenants petitioned due to alleged decreased housing services and were granted rent reductions due to loss of the use of the roof, but were denied as to their other claims. The landlord appeals the rent reductions, claiming that the roof use had been unauthorized. One tenant appeals, maintaining that the time period for the rent reduction should have been longer and that her other claims should not have been denied.

MSC: To accept the two tenants' appeals on the basis of hardship only; to deny the landlord's and tenants' appeals regarding the roof and any other issues. (Marshall/McGoldrick: 5-0)





V. Remarks from the Public

Several individuals testified on a variety of issues as follows:

Mr. Wong: Because life of building is prolonged and value enhanced by capital improvements, tenants should not be required to pay entire costs. Also recommendation that:

1. Tenants be given 60 day notice before capital improvements are commenced;
2. Notice include estimate of overall cost.

Joyce Vaneman: Tenants should not have to pay entire cost of repairs necessitated by earthquake. They suffered as well. Regular passthrough rules should not apply to necessary work due to natural disaster.

Man Wai Yu: Community Tenants Association  
Many tenants don't know of Rent Baord's existence, and others fear using its services.  
Recommendations: (1) Publish translated brochures about Rent Board Services, rules, etc.; (2) continue regular meetings in neighborhoods.

Christine Cheung: 1. Neighborhood meetings should include explanation of what Commissioners do;  
2. Many tenants not inclined to pay attention to details of forms, procedures etc., e.g., "notify in writing," or being prepared for hearings;  
3. Some tenants' special needs suggest need for hearings in community itself.

Gen Fujioka: Asian Law Caucus  
1. Rent Board should disseminate information about tenant and landlords' rights, etc. more widely.  
2. Natural Disasters call for different treatment under Rules (e.g., different amortization schedules and interest rates).  
3. Should hold landlord to lowest available interest rate, not just the one actually used by him/her; stronger protections for tenants v.v. sub. rehab, capital improvements, etc.

Lorraine Lo: Asian Archit. Designs.  
1. Did independent inspection of earthquake damaged buildings; found some repairs inadequate or delayed excessively; found misuse of posting procedure; slow bureaucratic responses.  
2. Suggests press release highlighting (translated) earthquake info package.  
3. Who can track tenants who've left demo'd building to notify them when it's rebuilt?



VI. Communications

The Commissioners received the following communications:

A. Copies of letters written by the Executive Director to staff members Alicia Wicks and Pedro Ruiz, thanking them for their tremendous efforts as Acting Deputy Director and Eviction Unit Supervisor.

B. The appeal decision for the case at 230 Castro Street (J002-31A and J003-23R), which was approved by the Board and signed by Vice-President How. The Board also passed the following motion:

MSC: To correct the Minutes of August 22, 1989 as regards the case at 230 Castro Street, as follows: "MSC: To find that all annual rent increases are null and void, with exception of the increases of November 1986 and November 1987, which shall be recomputed on the corrected base rent". (Marshall/How: 4-0)

VII. Director's Report

Executive Director Grubb reported as follows:

A. The new Landlord Alternate Commissioner is Michael Rossoff, Esq. Mr. Rossoff has not been sworn in as of yet.

B. Vacancy control legislation was passed out of the Land Use Committee without recommendation and will come before the full Board of Supervisors on February 5, 1990.

C. Supervisor Kennedy's proposed water penalty pass-through legislation was continued.

D. The Rent Board now has the services of four workers paid through federal disaster relief funds, and retained through the Private Industry Council.

F. The Board will be meeting in Room 228, City Hall, through the month of February.

VIII. Calendar Items

January 30, 1990

3 appeal considerations

Appeal Hearings

6:00	1426 Guerrero	K001-33A (accept. 1/9/90)
6:30	3445 19th St.	K001-71R (accept. 1/9/90)

Old Business

- A. Proposed Rules and Regulations Changes
- B. Earthquake Issues
- C. Possible Ordinance changes

2023A



February 6, 1990

3 appeal considerations

Appeal Hearings:

6:00 760 Northpoint St. #1 & 101 K001-73R & 74R (accept. 1/23/90)

IX. Adjournment

Vice-President How adjourned the meeting at 9:05 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.  
January 30, 1990

\*\*\*\*\*

City Hall, Room 228

\*\*\*\*\*

AGENDA

\*\*\*\*\*

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Consideration of Appeals

A.	2999 Pacific Avenue #5	K001-21C
B.	1779 25th Avenue	J008-96T
C.	600 39th Avenue #A	J009-38T

V. Communications

VI. Director's Report

VII. Remarks from the Public

VIII. Consideration of Allegations of Wrongful Evictions

IX. Old Business

A.	Rules and Regulations Changes
B.	Earthquake Issues
C.	Ordinance Changes

X. New Business

XI. Appeal Hearing

6:00	1426 Guerrero St.	K001-33A (accept. 1/9/90)
6:30	3446 19th St.	K001-71R (accept. 1/9/90)

XII. Calendar Items

XIII. Adjournment

2022A







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, January 30,  
1990 at 5:30 p.m. at City Hall, Room 228, San Francisco, CA  
\*\*\*\*\*

I. Call to Order

President Astle called the meeting to order at 5:46 p.m.

II. Roll Call

Commissioners Present:	Astle; How; Lipski; Marshall; McGoldrick; Stephenson.
Commissioners not Present:	Hammill; Villa.
Staff Present:	Grubb; O'Hearn.

Newly designated Commissioner Rossoff was present and participated in discussions. Not having been formally appointed yet, he did not vote on any matters. Commissioner Carrico appeared on the record at 6:08 p.m. President Astle went off the record at 10:25 p.m. Commissioners Marshall and Rossoff went off the record at 10:25 p.m. Deputy Director O'Hearn left the meeting at 10:50 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of January 23, 1990 as written.  
(How/Stephenson)

Based on Commissioner McGoldrick's request for more detailed information in the minutes concerning the remarks from the public, the Board tabled the motion. Commissioners McGoldrick and Lipski agreed to forward any additions to the staff.

IV. Consideration of Appeals

A. 2999 Pacific Avenue #5 K001-75R

A tenant appeals the decision granting a capital improvement rent increase for costs of a new retaining wall. The tenant argues that the work was unnecessary and the result of deferred maintenance.

MSC: To deny the appeal, but order a numerical correction as to the proper amount of the current monthly passthrough allowed. (How/Astle: 4-0)

B. 1779 - 25th Avenue K001-76R

The tenant failed to appear for the hearing on her petition for a rent decrease and failed to contact the Rent Board prior to the scheduled hearing time. She appeals stating that she could not attend the hearing due to her child's illness the day of the hearing.



MSC: To accept the appeal and remand the case to a hearing officer for a hearing. (McGoldrick/Astle: 4-0)

C. 600 - 39th Ave. #A K001-45A

The landlord appeals disputing that there was any problem with the property. The hearing officer granted rent reductions to correspond with roof leaks (3%), an inoperable stove, unrepaired bathroom floor and inoperable electrical outlets (2%).

MSC: To deny the appeal. (McGoldrick/Stephenson: 4-0)

V. Appeal Hearings

A. 1426 Guerrero St. K001-33A  
units A, C & D

The hearing on this landlord's appeal commenced shortly after 6:00 p.m. The parties were present with their representatives and witnesses.

The Board accepted the appeal on January 9, 1990 for a Board hearing on the issues of the water pressure, tarp and landlord hardship; if there is such a finding, the tenants shall have an opportunity to re-open the question of capital improvement certification. Technical corrections shall be done by staff at the time of issuance of the appeal decision.

Ruling on the tenant petitions filed between April 21 and 28, 1989, a hearing officer granted a 10% rent reduction commencing February 1989 to correspond with the decreased water pressure, and a 10% reduction for unit C for two months in 1988 to correspond with the tarp covering the fire escape.

In a separate decision concerning the landlord's petition for capital improvement passthroughs filed on April 12, 1989, a hearing officer authorized passthroughs of \$272.27 for unit C and \$279.91 for units A & D, payable at 10% of the base rent each year until recovered over the amortized period. The landlord feels that this 10% cap should not apply to work undertaken prior to the enactment of this regulation, and alleges that the limited partnership which owns the property is suffering financial hardship as a result.

Following testimony on the three issues, the Board gave the parties an opportunity to consider a mutual agreement on the rent increase and/or decrease. Given the lateness of the hour after 10:00 p.m. and the need to hear the second case scheduled for hearing, the Board continued the hearing for two weeks.

B. 3446 19th St. K001-71R

The appeal hearing scheduled for 6:30 p.m. commenced at 10:30 p.m. with both parties present and representing themselves. Tenants who sub-let this flat from another tenant in the building alleged illegal rent increases under Ordinance Section 37.3(c). The appeal argues that the intent of Ordinance Section 37.3(c) was to prevent profiteering by  
2032A



master tenants, and that the "services" provided by the master tenant in this case are insufficient to justify the rent differential charged.

Following testimony the Board discussed the case and approved the following motion:

MSC: To uphold the Hearing Officer's Decision; that Ordinance Section 37.3(c) does not apply because the sublessor is not a master tenant, but rather a landlord. (Marshall/Lipski: 5-0)

VI. Remarks from the Public

The landlord in the 19th Street case above commented on investors. Al Goodwin questioned whether agreements between landlords and tenants which are contrary to the Board Rules, but not specifically the Ordinance, are void as contrary to public policy.

VII. Adjournment

Vice-President How adjourned the meeting at 11:30 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.

February 6, 1990

\*\*\*\*\*

City Hall, Room 228

\*\*\*\*\*

## AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals

DOCUMENTS DEPT.

FEB 2 1990

SAN FRANCISCO  
PUBLIC LIBRARY

- A. 952 Sutter St. #602
- B. 952 Sutter St.  
(26 units)

K001-77R

K001-43A and

K001-78R through K001-93R

- V. Communications
- VI. Director's Report
- VII. Remarks from the Public
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- A. Rules and Regulations Changes
- B. Earthquake Issues
- C. Ordinance Changes
- X. New Business
- XI. Appeal Hearing
- 6:00 760 Northpoint St. #101 & #1
- XII. Calendar Items
- XIII. Adjournment

K001-73R & K001-74R  
(accepted 1/23/90)







SF  
R52  
#2 2/6/90

February

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, January 6,  
1990 at 5:30 p.m. at City Hall, Room 228, San Francisco, CA

\*\*\*\*\*

I. Call to Order

Vice-President How called the meeting to order at 5:46 p.m.

II. Roll Call

Commissioners Present:

Hammill, How, Lipski, Marshall,  
McGoldrick, Rossoff, Stephenson,  
Villa.

Commissioner not Present:

Astle.

Staff Present:

Grubb, Wicks

Commissioner Carrico appeared on the record at 5:50 p.m.

FEB 12 1990

III. Approval of the Minutes

MSC: To approve the Minutes of January 30, 1990, with the  
following correction:

"V. Appeal Hearing 3446-19th St. (K001-71R)

MSC: To uphold the hearing officer's decision; that  
Ordinance Section 37.3(c) does not apply because the  
sublessor is not a master tenant but rather a landlord."  
(Marshall/Lipski: 5-0)

MSC: To rescind the correction of the Minutes of August 29,  
1989, as reflected in the Minutes of January 16, 1990.  
(McGoldrick/Lipski: 5-0)

IV. Consideration of Appeals

A. 952 Sutter St./952 Sutter St. #602 K001-77R, K001-43A and  
K001-78R thru K001-93R

The landlord's attorney requested a two-week postponement of these  
cases since she had been on vacation and unable to respond to the  
tenants' appeals.

MSC: To postpone the cases one week for consideration on  
February 13, 1990. The landlord must have all written  
documents to the Rent Board by Friday, February 9,  
1990. (Marshall/McGoldrick: 5-0)

V. Communications

The Commissioners received the following communications:

A. A tenant's hardship statement for the hearing on 760 Northpoint;

B. The postponement request from the landlord's attorney for 952 Sutter St. and two tenant requests for numerical corrections at the same address;

C. The Board of Supervisors' Annual Statement of Economic Interests form for the Commissioners to file.

#### VI. Director's Report

A. Executive Director Joe Grubb reported on the interviewing of potential full-time hearing officers;

B. The recent meetings of the Earthquake Committee from the Mayor's Office has discussed issues related to red tagged and lesser damaged buildings;

C. The Rent Board office warming and related celebrations will be held on February 14, 1990, from 5:00-7:00;

D. Mr. Grubb responded to questions from the Board concerning the proposed outreach program. The Commissioners were informed that a Coro Foundation intern may be available to help coordinate an informational document to be widely distributed to landlords and tenants.

#### VII. Remarks from the Public

A. Edith McMillan commended Mr. Grubb on his contributions to the Earthquake Recovery Committee. She alerted the Commissioners to concerns about the displacement of tenants when earthquake-damaged buildings are demolished and replaced with condominiums or made exempt because of exemption with new construction, as well as other issues;

B. Dale Lucan of 952 Sutter expressed his concerns about the postponement process concerning that appeal matter.

#### VIII. Appeal Hearing

760 Northpoint St. #101 & #1 K001-73R & K001-74R

The appeal hearing scheduled for 6:00 began on the record at 6:30. Tenants Justine Weldon and Charles Harris, Sr. appeared and represented themselves. Non-attorney representatives Israel Rind and Andrea Kohlurss appeared for the landlord.

On January 23, 1990, the Commissioners had accepted the tenant appeals of the certification of capital improvements, on the issue of financial hardship. The total capital improvement allowed the landlord by the hearing officer totalled \$65.09 per month; the increases for tenant

Harris and tenant Weldon, based on the 10% cap of Rules and Regulations Section 7.12, resulted in a monthly amount of \$30.00. Both tenants testified concerning medical problems and limited income and resources. After reviewing the testimony and documentation from both sides, the Commissioners voted as follows:

MSC: To defer the capital improvement increase for tenant Harris--while certifying it for the apartment--while he is in tenancy, on the condition that the matter will be reconsidered if his income increases.  
(Marshall/McGoldrick: 5-0)

MSC: To allow the entire increase for the unit but allow only one year's pass-through (\$30.00) for tenant Weldon and defer the remainder. This matter will be reconsidered should her income increase.  
(McGoldrick/Marshall: 5-0)

The Board noted that it is the tenants' responsibility to come before the Board if there is an increase in income; the landlord may also present the issue should it believe either tenant's income has increased.

IX. Calendar Items

February 13, 1990

4 appeal considerations

Appeal Hearings

6:00- 340-356 Spruce St.

K001-40A (accpt. 1/16/90)

7:00- 1426 Guerrero St.

K001-33A (contd. from 1/30/90)

Old Business

A. Rules and Regulations Changes

B. Ordinance Changes

C. Earthquake Issues

New Business

Election of Officers

February 20, 1990

4 appeal considerations

Old Business

A. Rules and Regulations Changes

B. Ordinance Changes

C. Earthquake Issues

X. Old Business

After a brief introductory discussion of possible Rules and Regulations changes, the following motions were entertained:

MSF: To defer action on the issues of amortization periods and interest rates until the Board has introduced a proposal to change the Ordinance to allow capital improvements to become part of base rent under some different formal. (Carrico/How: 2-3; Marshall, McGoldrick, and Lipski dissenting)

MSC: To defer to another time discussion of permanent changes in the amortization periods or interest rates and rather address issues related to natural disasters. (Lipski/Carrico: 5-0)

Following these motions was a lengthy discussion of equitably spreading out the costs between landlords and tenants for repair of earthquake-damaged buildings. This matter will be continued to next week.

X. Adjournment

Vice-President How adjourned the meeting at 10:30 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

February 13, 1990

City Hall, Room 228

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
- |    |                           |                           |
|----|---------------------------|---------------------------|
| A. | 952 Sutter St. #602       | K001-77R                  |
|    | 952 Sutter St. (26 units) | K001-43A and              |
|    | (cont. from 2/7/90)       | K001-78R through K001-93R |
| B. | 555 Sloat Blvd.           |                           |
| C. | 1416 Grant Ave.           |                           |
| D. | 2780 Bryant St.           |                           |
- V. Communications
- VI. Director's Report
- VII. Remarks from the Public
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- |    |                               |  |
|----|-------------------------------|--|
| A. | Rules and Regulations Changes |  |
| B. | Earthquake Issues             |  |
| C. | Ordinance Changes             |  |
- X. New Business
- Election of Officers
- XI. Appeal Hearings
- |      |                    |                               |
|------|--------------------|-------------------------------|
| 6:00 | 340-356 Spruce St. | K001-40A (accepted 1/16/90)   |
| 7:00 | 1426 Guerrero St.  | K001-33A (cont. from 1/30/90) |
- XII. Calendar Items
- XIII. Adjournment







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, February 13, 1990 at 5:30 p.m. in Basement Room 2C at City Hall  
\*\*\*\*\*

I. Call to Order

President Astle called the meeting to order at 5:42 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; How; Lipski; Marshall; McGoldrick; Rossoff; Stephenson.  
Commissioner not Present: Villa.  
Staff Present: Grubb; O'Hearn.

Commissioner Carrico appeared on the record at 5:55 p.m.

III. Approval of the Minutes

- MSC: To approve the Minutes of February 6, 1990 as corrected on page 3 in the last sentence under Item VIII. to state "... should he or she believe. . . ." (Marshall/McGoldrick: 5-0)
- MSC: To remove from the table the motion made on January 30, 1990 concerning the Minutes of January 23, 1990. (McGoldrick/Marshall: 5-0)
- MSC: To amend the motion to approve the Minutes of January 23, 1990 as amended to include more detailed information concerning the public hearing. (How/Stephenson: 5-0)
- MSC: To approve the Minutes of January 23, 1990 as amended. (How/Stephenson: 5-0)

IV. Consideration of Appeals

A. 952 Sutter St. #602 K001-77R

The tenant appeals a remand decision on her tenant petition concerning decreased housing services. The tenant (1) requests correction of her base rent to include decreases granted in the original decision; (2) disputes the denial of a rent reduction to correspond with the loss of storage; and (3) disagrees with the amount of decrease granted to correspond with the loss of water service for 18 days.

MSC: To deny the appeal, but order numerical correction of the base rent. (Carrico/How: 5-0)

B. 952 Sutter St.

K001-78R though K001-93R  
K001-46A

Both the landlord and several of the tenants appeal the hearing officer's decision granting capital improvement passthroughs of \$143.00 per month per unit at the rate of 10% of the tenants' base rents per year. The tenants' contentions include that (1) the landlord's expenses were for luxury items essentially to upgrade the building, (2) the hearing officer used the wrong number of units, (3) items which justified corresponding decreases should not have been certified for passthroughs, and (4) the payable date of the passthroughs should only be after the issuance of the decision.

The landlord's contentions include that (1) the substantiated costs of the electrical work should be calculated based upon square footage as in the petition, and (2) architect fees and replacement elevator parts should not have been disallowed.

MSC: To accept the tenants' appeals and schedule a Board hearing only on the issues of (1) luxury items, considering upgrading and burden of proof as related to luxury items; (2) the number of units; (3) arithmetical errors; (4) rent notices only as to factual questions; (5) the transformer vault; and (6) the estimator process. (Marshall/McGoldrick: 5-0)

MSC: To accept the landlord's appeal and schedule a Board hearing only on the issues of (1) calculation of the cost of the electrical work; (2) architect's fees; and (3) elevator parts. (Marshall/How: 5-0)

C. 555 Sloat Blvd.

K001-95R

The tenant appeals the decision granting, in part, her petition for a reduction in rent based on decreased services. The tenant received a 50% rent reduction for a two-week period when she had to move bedroom belongings to another room and had limited access to other rooms during floor refinishing work. The tenant objects to the denial of additional reductions to correspond with the landlord's failure to repair other rooms and other defects in the house.

MSC: To accept the appeal and remand the case to another hearing officer on issues other than the southwest bedroom. (Carrico/Marshall: 5-0)

D. 1416 Grant Ave.

K001-48A

The landlord appeals the decision granting a passthrough for roof work, but denying, without prejudice to refile for, a passthrough for other work combined as a \$500,000 item. Although the hearing officer had given the landlord the opportunity to reorganize the petition during the month following the original hearing, he determined that the petition failed "to provide minimum information necessary for an impartial and intelligent review of the work performed."



MSC: To deny the appeal without prejudice to refile the petition. (Marshall/McGoldrick)

Following discussion, there was consensus to continue the matter for two weeks in order for staff to consult with the hearing officer.

E. 2780 Bryant St.

K001-94R

The tenant appeals the denial of her petition claiming an illegal rent increase due to the landlord's demand for a pro-rata share of the garbage service. The hearing officer determined that the issues are beyond the jurisdiction of the Rent Board. The tenant argues that her agreement with the landlord was modified and should be construed by the Board.

MSC: To deny the appeal. (How/McGoldrick: 5-0)

V. Appeal Hearings

A. 340 - 356 Spruce St.

K001-40A

The Board accepted the landlord's appeal on January 16, 1990 for a hearing solely on the issue of illegal rent increases which were apparent in the record of this capital improvement case. Present at the hearing were the landlord, with his attorney, and tenants from two of the five units at issue. An attorney for one of the tenants, who has not resided in the unit since a fire damaged it last March, was also present.

Before the hearing commenced, the Board approved the following motion:

MSC: To excuse Commissioner Rossoff from consideration of this matter. (How/McGoldrick: 5-0)

After the hearing closed, the Commissioners discussed the case and passed the following motion:

MSC: To (1) adjust the overpayment calculations only through March 1988 for unit 356; (2) recalculate the overpayments made by the tenants of unit 346 so that each tenant receives only the null and void payments for the portion of rent that she actually paid; (3) to allow a 4% increase for 1984 (instead of voiding the 7% increase) and to disallow the 7% increase imposed in 1985; (4) provide for repayment of rent overcharges at the rate of 50% of the rent, prospectively, and full remaining payment if a tenant vacates; and (5) send immediately to the landlord a letter informing him that the tenant of unit 356 has the right to reoccupy the unit. (Marshall/McGoldrick: 5-0)

B. 1426 Guerrero St.  
units A, C & D

K001-33A

The hearing on this landlord's appeal was continued from January 30, 1990. The tenant's representative submitted exhibits in opposition to the landlord's claim of hardship resulting from both a decision granting rent decreases and a decision limiting the capital improvement passthrough to 10% per year per unit.

The Board accepted the case on January 9, 1990 for hearing on the issues of the water pressure, tarp over the fire escape of unit C, and landlord hardship; if there is such a finding, the tenants shall have an opportunity to re-open the question of capital improvement certification. After the hearing closed, the Commissioners discussed the case and passed the following motions:

MSC: To (1) find no hardship, but in the interests of justice to waive the 10% rule and authorize the passthrough at the rate of 20% per year; (2) uphold the 10% decrease granted to correspond with the lack of water pressure (5%) and the loss of bathtubs (5%); and (3) to reverse the hearing officer's decision granting 7 10% decrease for 2 months due to the tarp over the fire escape of unit C. (Marshall/Carrico: 5-0)

MSF: That the tenants may appeal on hardship or capital improvement certification. (Marshall/McGoldrick: 2-3; Carrico, How and Astle dissenting)

#### VI. Communications

A. The Commissioners received and approved Appeal Decisions for 1010 Bush Street [K001-45R through K001-64R heard on December 5, 1989 and decided on January 2, 1990] and 115 Lilac Street [K001-19A heard and decided on November 21, 1989].

B. The Commissioners also received their disclosure category for completing their Statements of Economic Interests.

#### VII. Director's Report

The Executive Director reported to the Commissioners on the following matters:

A. For the next fiscal year budget he is requesting an additional citizen complaint officer, additional computer terminals for the hearing officers, and additional furniture for staff.

B. The present Rent Board intern, Maryann Truitt, (instead of a Coro Foundation person) has begun working on the Rent Board outreach project. A bulk mailing will be prepared and sent to all landlords billed the Rent Board Fee. Additionally, every attempt will be made to reach all tenants.

C. For the expedited permit process for earthquake destroyed and damaged buildings, buildings damaged but not destroyed will have to submit a contractor's report to the committee detailing the repair cost 2054A

on an item by item basis. The committee will then make its recommendation to the Rent Board as to whether it is likely to meet substantial rehabilitation requirements (75% replacement costs).

D. The Deputy Director reported that the Deputy City Attorney advised that private agreements between landlords and tenants waiving their rights under the Board Rules and Regulations would be made at risk since the provisions of Ordinance Section 37.9(e) would apply making such agreements void as contrary to public policy.

#### VIII. Remarks from the Public

Al Goodwin made remarks about the expedited demolition process, the need for a procedure for complicated landlord petitions, and the interest and amortization process. Peter Eutener commented about his loan problems. Mr. Foley discussed his pending decision to demolish his building. Charles LaKamp also discussed damaged buildings. Another landlord commented on the Board's interest rate for capital improvements.

#### IX. New Business

President Astle announced nominations were open for the election of President and Vice-President of the Rent Board.

MSC: To nominate Commissioner How for President of the Rent Board. (Carrico/Marshall: 9-0)

There being no other nominations, Commissioner How was unanimously declared President.

MSC: To nominate Commissioner McGoldrick for Vice-President of the Rent Board. (Marshall/Carrico: 9-0)

There being no other nominations, Commissioner McGoldrick was unanimously declared Vice-President.

#### X. Old Business

##### Rules and Regulations Changes/Earthquake Issues

Commissioner Lipski distributed a draft regulation to cover work or repairs due to a natural disaster. Discussion ensued on earthquake repairs which ordinarily would not qualify for capital improvement certification. The Board scheduled a public hearing for March 13, 1990 and will work on specific draft language to propose.

#### XI. Calendar Items

February 20, 1990

5 appeal considerations

Old Business

A. Rules and Regulations Changes/Earthquake Issues

B. Ordinance Changes

February 27, 1990

3 appeal considerations (including 1 continued from 2/13)

Appeal Hearing

6:00- 952 Sutter St.

K001-78R through K001-93R  
& K001-43A (accpt. 2/13/90)

VII. Director's Report (continued)

E. At 9:55 p.m., pursuant to Government Code Section 54957, the Board went into Executive Session to discuss the appointment of certain Hearing Officers.

XII. Adjournment

President How adjourned the meeting at 10:10 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

February 20, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

I. Call to Order

II. Roll Call

DOCUMENTS DEPT.

III. Approval of the Minutes

FEB 21 1990

IV. Consideration of Appeals

SAN FRANCISCO  
PUBLIC LIBRARY

A. 800 Bush St. #201

K001-96R

B. 700 Church St. #300

K001-49A

C. 1800 Franklin St.

K001-51A and K001-98R

D. 1000 Howard St.

K001-97R

E. 5636 California St. #6

K001-99R

V. Communications

VI. Director's Report

VII. Remarks from the Public

VIII. Consideration of Allegations of Wrongful Evictions

IX. Old Business

A. Rules and Regulations Changes

B. Earthquake Issues

C. Ordinance Changes

X. New Business

XI. Calendar Items

XII. Adjournment







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, February 20, 1990 at 5:30 p.m. at the City Hall, Room 282

\*\*\*\*\*

FEB 23 1990

PUBLIC LIBRARY

I. Call to Order

President How called the meeting to order at 5:38 p.m.

II. Roll Call

Commissioners Present: How; Lipski; Rossoff; Stephenson  
Commissioners not Present: Hammill; Marshall; McGoldrick; Villa.  
Staff Present: O'Hearn; Wolf.

Commissioner Carrico appeared on the record at 5:40 p.m.; went off the record from 5:45 to 5:55 p.m.; and left the meeting at 5:58 p.m. Commissioner Astle appeared at 5:45 p.m. Commissioner Lipski went off the record from 5:45 to 5:55 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of February 13, 1990 as written. (Stephenson/Rossoff: 4-0)

IV. Consideration of Appeals

A. 800 Bush Street #201 K001-96R

This case involves a tenant petition originally filed on July 15, 1988, alleging that the gas and electricity passthroughs had been incorrectly calculated by the landlord. The original hearing officer found that the landlord had used an improper calculation method and concluded that the passthroughs since August 1982 were null and void. On appeal, the case was remanded for recalculation and to devise a reasonable method for transition to the proper calculation formula. On further appeal by the landlord, the case was remanded for application of the correct Rules and Regulations in effect during the time periods at issue. The case was again remanded with instructions to recalculate the allowable passthroughs, including carrying forward the pre-existing passthrough. No hearing was held or deemed necessary pursuant to the third remand.

The tenant now appeals the third remand decision, alleging that the Board did not have the authority to remand the case without further hearing, and that the tenant was deprived of due process as a result.





MSC: To schedule a hearing before the Board; each side will have ten minutes to present argument, and five minutes for rebuttal. (Astle/Stephenson: 4-0)

B. 700 Church St. #309

K001-49A

The tenant petitioned regarding illegal rent increases given for garage and storage locker space, and was granted rent refunds accordingly. The landlord alleges on appeal that the hearing officer's calculations are incorrect, and he provides a rent payment chart for the tenancy with no supporting documentation.

MSC: To deny the appeal. (Stephenson/Astle: 3-1; Rossoff dissenting)

C. 1800 Franklin St.

K001-51A and K001-98R

The landlord was granted certification of certain capital improvements by the hearing officer; elevator and intercom work were disallowed as the tenants continue to have problems with the elevator and intercom. The landlord appeals the disallowance of these two improvements. One tenant appeals the decision on several grounds, alleging that he is being charged for work commenced prior to his occupancy; that current cost estimates of work done several years prior do not provide for inflation; and that certain costs are not reasonable.

MSC: To schedule a Board hearing on the landlord's and tenant's appeals regarding the intercom and elevator; and the tenant's appeal concerning the issues of the move-in date and allocation of the cost of the work. Should the amount of the pass-through increase as the result of the Board's decision on appeal, the tenant may present any information regarding financial hardship within two weeks of such decision. (Astle/Stephenson: 4-0)

D. 1000 Howard St. #315

K001-97R

The tenant filed a petition based on alleged decreases in services, which was dismissed when she failed to appear at the properly noticed hearing. Her attorney appeals, explaining that the tenant is disabled and failed to inform her representative of the hearing date, assuming that the attorney would automatically be notified.

MSC: To accept the appeal and remand the case for a new hearing. (Astle/Rossoff: 4-0)



E. 5636 California St. #6 K001-99R

The tenant petitioned alleging decreased housing services and the landlord's failure to maintain and repair the premises. The hearing officer found that the landlord had failed to maintain the unit in a habitable condition, and therefore deferred the noticed increase. The tenant appeals, alleging that the rent roll-back should extend further back in time, and that other serious housing conditions were ignored by the hearing officer.

MSC: To accept the appeal and remand the case to another hearing officer for a new hearing. (Astle/Stephenson: 4-0)

V. Communications

The Board received copies of correspondence relating to the case at 346 Spruce Street (K001-40A), heard on September 12, 1989. The Commissioners also approved the appeal decision for the case at 760 Northpoint Street (K001-73R and K001-74R), with minor corrections.

VI. Director's Report

Deputy Director O'Hearn reported that Executive Director Grubb is on vacation this week. She briefly discussed the successful Rent Board Open House on February 14th, and informed the Commissioners that employment offers to 3 full-time hearing officers had been made and accepted.

VII. Old Business

A. Earthquake Issues/Regulations Changes

The Board discussed proposed new Section 7.18 of the Rules and Regulations, promulgated by Commissioner Lipski with assistance from Deputy Director O'Hearn, regarding repair and rehabilitation work due to natural disaster.

MSC: To put proposed new Rules and Regulations Section 7.18 out for Public Hearing. (Astle/Stephenson: 4-0)

The Commissioners also discussed revised Part 8 of the Rules and Regulations regarding substantial rehabilitation, also proposed by Commissioner Lipski.

MSC: To put replacement Part 8 of the Rules and Regulations, as amended, out for Public Hearing. (Astle/Rossoff: 4-0)



B. Ordinance Changes

Commissioner Rossoff initiated a discussion of possible sections in the Ordinance where a Statute of Limitations would be desirable.

VIII. Calendar Items

February 27, 1990

6 appeal considerations (including 1 continued from 2/13)

Appeal Hearing:

6:00 952 Sutter St. K001-78R through K001-93R and K001-43R  
(accpt. 2/13/90)

March 6, 1990

5 appeal considerations

Appeal Hearings:

6:00 800 Bush St. #201 K001-96R (accpt. 2/20/90)

6:30 1800 Franklin K001-51A and K001-98R (accpt. 2/20/90)

IX. Adjournment

President How adjourned the meeting at 6:50 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.

February 27, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

DOCUMENTS DEPT.

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY

- |                          |                               |
|--------------------------|-------------------------------|
| A. 1416 Grant Ave.       | K001-48A (cont. from 2/13/90) |
| B. 4226 20th St. #309    | K001-50A                      |
| C. 2640 Clay St.         | K001-47A                      |
| D. 185 Saturn St.        | K001-52A                      |
| E. 38 Gardenside Dr. #13 | K002-01R                      |
| F. 1910 Baker St. #1     | K002-02R                      |

- V. Communications
- VI. Director's Report
- VII. Remarks from the Public
- VIII. Consideration of Allegations of Wrongful Evictions

Report from Staff

- |                          |   |
|--------------------------|---|
| A. 857 Clay St.          | J003-89E through J003-94E<br>and J004-09E |
| B. 815 Van Ness Ave. #10 | K001-50E and J003-82E                     |
| C. 3380 24th Street      | K001-87E                                  |

- IX. Old Business
- X. New Business
- XI. Appeal Hearing

- |                     |  |
|---------------------|--|
| 6:00 952 Sutter St. | K001-78R through K001-93R and<br>K001-46A (accpt. 2/13/90) |
|---------------------|--|

- XII. Calendar Items
- XIII. Adjournment

2064A







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, February 27,  
1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

I. Call to Order

Vice-president McGoldrick called the meeting to order at 6:04 p.m.

II. Roll Call

Commissioners Present: Carrico; Hammill; Lipski;  
Marshall; McGoldrick; Rossoff.  
Commissioners not Present: Astle; How; Stephenson; Villa.  
Staff Present: Grubb; Wicks.

III. Approval of the Minutes

MSC: To approve the Minutes of February 20, 1990, as  
written. (Carrico/Marshall: 4-0)

IV. Consideration of Appeals

A. 1416 Grant Ave. K001-48A (contd. from 2/13/90)

The landlord appealed the hearing officer's ruling, allowing certain capital improvement costs but denying the majority of the nearly \$540,000 in expenses because the landlord's documentation was confusing, inconsistent, and inadequate, failing to provide the minimum necessary information, despite having been given additional time in which to do so. The tenants had specifically objected to various aspects of the work, which the landlord failed to address despite a one-month continuance between hearings.

MSC: To uphold the hearing officer and deny the appeal  
without prejudice to refile. (Marshall/McGoldrick:  
4-0)

B. 4226 - 20th Street, #309 K001-50A

The landlord appealed the hearing officer's ruling that the tenant was entitled to a rent reduction for a decrease in services entailing aspects of heat, the doorbell, the number of garbage cans, lack of quiet enjoyment, and holes left in walls following repairs. The landlord argued that the hearing officer did not adequately take his evidence into consideration.

MSC: To uphold the hearing officer and deny the appeal.  
(Marshall/McGoldrick : 3-1; Carrico dissenting)



C. 2640 Clay Street

K001-47A

The ruling of the hearing officer that the subject property was not the principal place of residence of the landlord was appealed by the owner. The landlord produced telephone bills (some without a phone number or address) and utility bills to prove the subject property is her principal place of residence. However, the landlord requires rent checks to be sent to San Luis Obispo where she lives in a home she owns, holds two jobs there, and lists that address for her drivers license and San Francisco tax assessor purposes. The tenant, who lives below the unit maintained by the landlord, stated that she seldom hears or sees the landlord on the property.

MSC: To uphold the hearing officer and deny the appeal.  
(Marshall/McGoldrick: 3-1; Carrico dissenting)

D. 185 Saturn St.

K001-52A

The hearing officer ruled that a rent increase was not illegal even though it exceeded 4% since the property had been exempt because of owner-occupancy. The landlord appealed, stating that the hearing officer had not addressed the major issue in the case--whether the increase remained effective since the landlord moved out during the thirty days of the notice period. There was a further question about the effective date and amount of the rent increase.

MSC: To remand the case to the hearing officer to determine the date the landlord moved out, the date the increase was to have become effective, the proper base rent, and a clear finding on the effective date of the notice--when given or at the end of the 30-day notice period. (Marshall/McGoldrick: 4-0)

E. 38 Gardenside Dr. #13

K002-01R

A tenant appealed the hearing officer's ruling that a de minimus PG&E passthrough was allowed even though a portion of the passthrough was related to a coin-operated washer and dryer in the building. The 1989 utility passthrough was \$1.10 per month. On appeal the tenant argued that the washer and dryer were operated by a laundry service which rented a space from the landlord; it therefore was a commercial activity for which utilities should not be charged the tenants beyond that compensated by the coin-operated aspect of the operation.

MSC: To remand the case to the same hearing officer to make a finding on the percent of the utility bill incurred for the laundry operation (or the amount incurred in operating utilities in the common areas), because it is the policy of the Rent Board to not pass on utility costs for laundry operation unless de minimus.  
(Carrico/McGoldrick: 4-0)



F. 1910 Baker St. #1

K002-02R

The hearing officer found that the tenant had suffered significant decreases in service because of the disruptions caused by long-term construction, the completion of which was delayed in large part by the landlord. As part of an earlier settlement, the landlord had forgiven 10 months of rent. The hearing officer calculated the decreased services to equal 20% of the tenant's rent for one year, for a total of \$1,050. Since the rent forgiveness totaled \$4,000, the hearing officer said the tenant had already been compensated for the decreased services. On appeal the tenant argued that the \$4,000 was for costs related to the "meritless" eviction action, including costs of his defense in court. The landlord argued in rebuttal that the \$4,000 was for potential decreased services and provided a transcript of the court settlement conference which showed that each side bore their own costs of the court action.

MSC: To uphold the hearing officer and deny the appeal.  
(Carrico/Lipski: 4-0)

V. Communications

The Commissioners received the following communications:

A. Notice of rescheduled hearing for 952 Sutter St. (K001-78R through K001-93R and K001-46A), which has been set for March 29, 1990;

B. The Deputy Director's communication regarding 1416 Grant St. (K001-48A);

C. The tenant's rebuttal statement for 185 Saturn Street (K001-52A); the tenant's attorney's rebuttal for 2640 Clay St. (K001-47A);

D. Page 8 of the revised Rules and Regulations, dated 2/23/90;

E. The latest version of the Rent Ordinance, dated 9/1/89;

F. A request for postponement of the March 6, 1990 hearing for 1800 Franklin St. (K001-51A & K001-98R), which was granted;

G. The latest amendments to the Rules and Regulations and cover letter dated January 26, 1990;

H. A confidential list of the Commissioners' addresses and phone numbers;

I. Draft Ordinance changes proposed by Commissioner Rossoff; and

J. Appeal decisions concerning 388 - 5th Street (K001-10R) and 3446 - 19th St. (K001-71R), which were approved.



VI. Director's Report

Executive Director Joe Grubb reported on the following items:

- A. Jovita Martinez has resigned to take a position with another department, and the paperwork for a replacement clerk typist has begun;
- B. The accountant civil service list was certified, and interviewing will begin shortly;
- C. Civil Service will soon review the full-time hearing officer positions. It is expected the new arbitrators will begin April 2, 1990;
- D. Every effort will be made to get any Rent Board informational brochure in large numbers to both landlords and tenants.

VII. Consideration of Allegations of Wrongful Evictions

Staff Report:

- A. 3380 - 24th Street                      K002-87E

The landlord gave the tenants a termination notice after the tenant's children (and others) were named in a police report when an adjacent building was burglarized. The tenant insists no charges were filed against her children, and the matter was not pursued by the complaining party. The landlord claimed that the tenant's children had burglarized the property, were creating a nuisance, and that the family was too big for the size of the apartment. For several years the tenant had complained about repair needs and prevailed on a petition before the Rent Board on this issue. In settlement of the UD, the tenant agreed to control her children's behavior, and the landlord agreed to make all needed repairs.

EVALUATION: There was no proof that the tenant's children had harmed the building or were involved in the burglary. The matter should be generally monitored, but no further action taken at this time.

- B. 2815 Van Ness Ave. #10                      K001-50E

The tenants in #9 complained to the landlords about the disruption caused by another resident; the subject tenant wrote a letter confirming that the mentioned tenant was bothersome. Soon after, the landlord evicted the tenants in #9, claiming he was separating from his wife and needed their unit; he later moved in with his wife and very young children. The landlord asked the subject tenant to help him rebut the allegations of wrongful eviction made by the tenants who vacated #9. When she refused to do so, he served her with a termination notice for the occupancy of his children, ages 3 and 5. The two units are adjacent but have no connecting means of access other than a common hallway. The landlord had taken no steps to determine if BBI and City Planning would allow structural work to connect the two units or if permission would be given for removing a unit from rental use. During the controversy, a comparable unit 15 feet away became available.





EVALUATION: The hearing officer questioned the eviction of the tenants in #9 and of the subject tenant, suggesting that they might both have been retaliatory. It appears the landlord only decided to move into #9 after the tenants complained of another resident; the landlord had previously said nothing to the subject tenant about her moving and gave her the termination notice only after she refused to agree to write a letter stating she knew nothing about the events concerning the eviction of #9; the landlord has taken no steps to see if he can combine two units, thus making reasonable the occupancy of a now separate unit by very young children. The landlord should be written a cautionary letter and the matter referred to the District Attorney for investigation should the landlord continue with the eviction attempt for the subject tenant.

C. 857 Clay Street

J003-89E & J004-09E

This property consists of 51 single-room-occupancy units, currently occupied by 19 tenants. In February 1989 the landlord served 9 tenants with termination notices to vacate for three months for capital improvements, with reoccupancy in May. The tenants relocated in the building. Work began in mid-May, the time originally estimated for reoccupancy. As of mid-October the tenants were still not in their remodeled units. The landlord eventually filed a Petition for Extension of Time, 5-8 months after it became obvious the May reoccupancy date was incorrect.

EVALUATION: Although there was no showing of bad faith, the landlord clearly did not follow the correct procedures. The matter should be monitored and further action taken if necessary.

MSC: To accept Staff recommendations on each case.  
(Marshall/Carrico: 4-0)

#### VIII. Old Business

The Commissioners discussed the proposed 1990-1991 budget. The Director will distribute copies to the Board in the near future.

#### IX. Calendar Items

March 6, 1990

Appeal Hearing

6:00--800 Bush St. #201 K001-96R (accepted 2/20/90)

March 13, 1990

8 appeal considerations

6:30--PUBLIC HEARING: Proposed Changes to the Rules & Regulations

March 20, 1990

4 appeal considerations

Appeal Hearing

6:00--952 Sutter St. K001-78R - K001-93R & K001-46A (post. 2/27/90)

#### X. Adjournment

Vice-president McGoldrick adjourned the meeting at 8:00 p.m.





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, March 6, 1990  
at 5:30 p.m. at City Hall, Room 282  
\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:39 p.m.

II. Roll Call

Commissioners Present: Hammill; How; Lipski; Marshall;  
Rossoff.  
Commissioners not Present: Astle; Carrico; Villa.  
Staff Present: Grubb; Wolf.

Commissioner Stephenson appeared on the record at 5:41 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of February 27, 1990 as  
written. (Marshall/Hammill: 5-0)

IV. Communications

The Commissioners received the following communications:

A. A Memorandum from the Deputy Director to the Mayor's Office updating the roster of Rent Board Commissioners, with mailing addresses, dates of appointment and dates their terms end.

B. A Memorandum from the Deputy Director to Deputy City Attorney Pennypacker regarding proposed Rent Ordinance Amendments.

V. Director's Report

The Executive Director informed the Commissioners of the following:

A. Ms. Susan Young has accepted the position of Accountant at the Rent Board.

B. Conflict of Interest forms are due on April 1, 1990.

C. Paralegal Intern Maryanne Truitt is developing community education and outreach materials for the Board. Costs of bulk mailing were discussed.

DOCUMENT

MAR 12 1990

SAN FRANCISCO  
PUBLIC LIBRARY



VI. Old Business

The Commissioners briefly discussed proposed Ordinance changes promulgated by Commissioner Rossoff regarding possible Statutes of Limitations on issues such as banking of rent increases, null and void rent increases, capital improvement and PG&E pass-throughs, and filing of Writs of Mandamus.

VII. Appeal Hearing

A. 800 Bush St. #210

K001-96R

This appeal hearing was scheduled for 6:00 p.m. and began at 6:25 p.m., upon the arrival of the tenant's attorney. The record was closed at 6:45 p.m. The case involves a tenant petition for arbitration originally filed on July 15, 1988, alleging that the gas and electricity passthroughs had been incorrectly calculated by the landlord. The original hearing officer found that the landlord had used an improper calculation method and concluded that the pass-throughs since August 1982 were null and void. On appeal, the case was remanded for recalculation and to devise a reasonable method for transition to the proper calculation formula. On further appeal by the landlord, the case was remanded for application of the correct Rules and Regulations in effect during the time periods at issue. The case was again remanded with instructions to recalculate the allowable passthroughs, including carrying forward the pre-existing passthrough. No hearing was held or deemed necessary pursuant to the third remand.

The tenant appealed the third remand decision, alleging that the Board did not have the authority to remand the case without further hearing, and that the tenant was deprived of due process as a result. At their meeting of February 20, 1990, the Board accepted the tenant's appeal and scheduled an appeal hearing. The tenant's attorney informed the Commissioners that he was under the misimpression that the appeal hearing would be on the due process issue, rather than the carrying forward of the 1979 passthrough, and that he was not prepared to argue the substantive issue. The Board therefore passed the following motion:

MSC: To continue this case for 2 weeks. Each side will be given 10 minutes to present argument and 5 minutes for rebuttal on the issue of whether pre-existing utility passthroughs should be carried forward. The parties stipulate as to the facts contained in Tables 1, 2 and 3 of the Hearing Officer's Third Remand Decision, issued on January 10, 1990. (Rossoff/Marshall: 5-0)

VIII. Old Business (cont.)

The Board briefly returned to their discussion of Statutes of Limitations and agreed that it should be continued to a later date.

0010K

IX. Calendar Items

March 13, 1990

7 appeal considerations

6:30 Public Hearing: Proposed Rules and Regulations Changes

March 20, 1990

4 appeal considerations

Appeal Hearings:

6:00 952 Sutter St.

K001-78R-K001-93R & K001-46A  
(post. 2/27/90)

7:00 800 Bush St. #201

K001-96R (cont. from 3/6/90)

X. Adjournment

President How adjourned the meeting at 6:46 p.m.

0010K



NOTICE OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION & ARBITRATION BOARD, Tuesday, 5:30 p.m.

March 13, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Consideration of Appeals

- A. 206 Ashton St. #2
- B. 1460 & 1462 Page St.
- C. 2010 Vallejo St. #1
- D. 201 Moultrie St.
- E. 4140 Army St. #51
- F. 1290 Grove St.
- G. 3273 - 25th St.

- K002-03R
- K001-53A
- K002-04R
- K002-05R & K002-06R
- K002-07R
- K001-55A
- K001-54A

V. Communications

VI. Director's Report

VII. Remarks from the Public

VIII. Consideration of Allegations of Wrongful Evictions

IX. Old Business

X. New Business

XI. PUBLIC HEARING

6:30 Proposed Amendments to Rules and Regulations  
 New Section 7.18 Repair and rehabilitation work due to natural disaster  
 Replacement Part 8 Landlord Application for Certification of Substantial Rehabilitation

XII. Calendar Items

XIII. Adjournment

DOCUMENTS DEPT.

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, March 13,  
1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Hammill; How; McGoldrick;  
Rossoff; Stephenson.  
Commissioners not Present: Villa.  
Staff Present: Grubb; Wolf.

Commissioner Marshall appeared on the record at 5:37 p.m.; Commissioner Astle appeared at 5:41 p.m.; Commissioners Lipski and Carrico arrived at 5:51 and 5:53 p.m., respectively. Deputy Director O'Hearn appeared from 5:42 to 6:55 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of March 6, 1990 with the  
addition under "Roll Call" that Commissioner McGoldrick  
was not in attendance. (Stephenson/How: 4-0)

IV. Consideration of Appeals

A. 206 Ashton Street #2 K002-03R

The landlord filed a petition for capital improvement pass-throughs which was denied because the hearing officer found that the work was not necessary for reasons of health or safety. The hearing officer did allow a 20% banked increase, however. The tenant appeals regarding the banked increase, alleging that prior owners raised his rent by 20% in 1982.

MSC: To deny the appeal. (Rossoff/How: 5-0)

B. 1460 & 1462 Page St. K001-53A

The tenants petitioned regarding decreased housing services, and alleging that the building is not owner-occupied exempt. The hearing officer found for the tenants on both counts. The landlord appealed, and the case was remanded in order for specific dollar amounts to be assigned to each service for which a rent reduction was granted. The landlord now appeals the remand decision, asserting that: the dollar



amounts granted are excessive; he was prohibited from doing the repair work by a Superior Court Order; and the hearing officer was biased against him.

MSC: To uphold the hearing officer's decision and deny the appeal. (Marshall/McGoldrick: 5-0)

C. 2010 Vallejo St. #1 K002-04R

The tenant was granted rent reductions due to decreased housing services; specifically, ceiling leaks. At the time of the hearing, the landlord maintained that corrective measures had been taken. On appeal, the tenant alleges that the recent rains made it clear that the repairs were inadequate, and asks that the rent reduction be made on-going.

MSC: To accept the appeal and remand the case on the issue of whether or not the rent reduction should be on-going. (Rossoff/Astle: 5-0)

D. 201 Moultrie St. K002-05R and K001-06R

The tenants' petitions were dismissed due to their failure to attend the properly noticed hearing. On appeal, the tenants provide evidence that the tenant acting as representative for both was hospitalized, and therefore they request a re-scheduled hearing.

MSC: To accept the tenants' appeals and schedule a new hearing before a hearing officer. (Rossoff/Marshall: 5-0)

E. 4140 Army St. #51 K002-07R

The tenant appeals the hearing officer's denial of his petition for rent reduction due to alleged computer noise from the upstairs unit. The hearing officer found that the problem was not "substantial" enough to warrant a rent reduction; that proof of notice to the landlord was not provided; and that the tenant had failed to raise this issue in three previous hearings.

MSC: To deny the appeal. (Rossoff/Marshall: 5-0)

F. 1290 Grove Street K001-55A

The tenants in four units were granted rent reductions due to the lack of a working elevator. The landlord failed to appear at the properly noticed hearing after his request for a continuance was denied. On appeal, the landlord alleges a lack of due process because his postponement request should have been granted; that tenants no longer living at the subject property are not within Board jurisdiction; and that the amounts granted by the hearing officer are arbitrary.



MSF: To deny the appeal. (Marshall/McGoldrick: 1-4; How, Rossoff, Astle, McGoldrick dissenting).

MSC: To accept the appeal and remand the case for a new hearing. (Carrico/How: 4-1; Marshall dissenting)

G. 3273 25th Street

K001-54A

The tenant was granted a rent reduction due to the loss of use of his bathroom. The landlord failed to appear at the properly noticed hearing but alleges on appeal that he made a good faith effort to effectuate repairs and that rent reductions were granted for periods of time after the problem had been resolved.

MSC: To deny the appeal. (Astle/McGoldrick: 5-0)

V. Communications

The Commissioners received the following communications:

- A. A request for postponement of the appeal hearing for the case at 952 Sutter (K001-78R), which was granted by the Board.
- B. A letter from the tenant concerning the appeal at 3273 25th Street (K001-54A).
- C. The appeal decision for the case at 1426 Guerrero Street (K001-33A), which was approved by the Board with a minor change in the "Order".
- D. Some suggested, mostly non-substantive, revisions to the proposed Rules and Regulations changes that are the subject of tonight's Public Hearing. The revisions were promulgated by Deputy City Attorney Pennypacker and Deputy Director O'Hearn explained them to the Board.

VI. Public Hearing

The Public Hearing commenced at 6:47 p.m. and concluded at 8:01 p.m. Comment was taken regarding proposed new Section 7.18 - Repair and Rehabilitation Work due to Natural Disaster; and replacement Part 8 - Landlord Application for Certification of Substantial Rehabilitation. The following individuals spoke:

- 1. Irene Flynn - tenant at 145 Laurel. Opposed to pass-through of earthquake costs; landlords could have had earthquake insurance. How do you determine the damage that was caused by the quake, as opposed to pre-existing conditions?



2. Mary Kay Sheridan - tenant at 145 Laurel. The proposal rewards landlords for previous failure to repair; how do you know if compensated by insurance?; tenants have no say regarding the quality of the work; landlords receive tax advantages.
3. Tom Garber - landlord. Why legislate for the exceptions to the rule? - most landlords are fair and equitable. Why limit the allowable pass-through to 75% of the cost of the work? It is impossible to borrow money at 10%.
4. Charles LaKamp - Apt. House Association. You must provide a reasonable return to promote maintenance; the loss of 25% of the cost doesn't permit recovery on investment. O&M's essentially gutted. The Board can protect individual tenants through the hardship provision. You can't have vague, subjective language when making business decisions.
5. Brian Hawley - landlord. Address abuses, not structural damage caused by the earthquake. Had to invest \$20,000 in building to qualify for earthquake insurance. Anything less than full recovery on investment is unconstitutional.
6. Jim Lew - landlord. This legislation could hinder the repair of buildings; too much red tape. 75% cap makes owners reluctant to make repairs.
7. Ella Roman - landlord. Her tenant filed a complaint, but she didn't get to tell her side of the story. Landlords are human and were affected by the quake also. Contractors make you wait. We are creating homelessness because landlords get disgusted and sell out to developers.
8. Mark Karwowski - landlord. Supports the Board's efforts to streamline the substantial rehabilitation process.
9. Verna Tam - landlord. Received a letter from the Human Rights Commission based on false facts. Lease provisions notwithstanding, tenants can bring in anyone they want.
10. Al Goodwin - landlord. Make O&M an optional way to go, and not a requirement. The quake was not anticipated in business decisions; the Board should be making it easier for landlords. Costs should be spread throughout the building; the way it's worded, costs can't be allocated to an owner's unit or where a lease is in effect. Interest is a cost of doing business. Should say actual interest paid or 10%, whichever is greater. Pre-certification: need to add provisions for an estimator. Since only advisory, landlords will ignore. Make substantial rehabilitation like capital improvement evictions, with \$1,000 moving expenses and right to reoccupy.





11. Katherine Nash - landlord. Everyone can't get earthquake insurance. Landlords have to pay bills, like tenants. Without pass-throughs, can't maintain buildings.
13. Myrna Melgar - St. Peters Housing Committee. 75% is excessive. Tenants in the most substandard buildings are least likely to exercise their rights. Most tenants displaced for rehabilitation leave; the burden falls too much on the tenants.

The record was left open for two weeks for written comments.

VII. Director's Report

Executive Director Grubb reported to the Board as follows:

- A. The new accountant, Susan Young, will start on March 26, 1990.
- B. He will obtain a copy of the sequel to the Mayor's book, Getting Things Done, for the Commissioners.
- C. Ex-Commissioner Soulis will be donating some very nice furniture for the Board's new office.

VIII. New Business

Although only one person has filed for an expedited permit to do earthquake reconstruction; three more applications are pending. Therefore, in conjunction with the Earthquake Recovery Committee, the Executive Director has developed some draft forms and procedures, inclusive of notification to tenants. Upon their review of the drafts, Board members offered several suggestions.

IX. Remarks from the Public

Ms. Verna Tam continued with her remarks regarding her perceived lack of coordination between the Human Rights Commission and the Rent Board.

X. Calendar Items

March 20, 1990

4 appeal considerations

2 eviction summaries

Old Business: Proposed Ordinance Changes

Appeal Hearing:

7:00 800 Bush Street #201 K001-96R (cont. from 3/6)

March 27, 1990

2 appeal considerations

Old Business: Proposed Rules Changes

Appeal Hearing:

6:00 1800 Franklin K001-51A & K00K-98R  
(post. from 3/6/90)



XI. Adjournment

President How adjourned the meeting at 8:46 p.m.





# NOTICE OF PUBLIC HEARING

THE RENT BOARD COMMISSIONERS INVITE THE PUBLIC TO COMMENT  
ON PROPOSED ADDITIONS, DELETIONS, OR AMENDMENTS\*  
TO THE FOLLOWING BOARD RULES & REGULATIONS

Part 7 LANDLORD APPLICATION FOR CERTIFICATION OF  
CAPITAL IMPROVEMENTS  
NEW Section 7.18 - Repair and Rehabilitation Work Due to  
Natural Disaster (proposed effective for  
petitions filed within one year from date of adoption)

REPLACEMENT Part 8 LANDLORD APPLICATION FOR CERTIFICATION OF  
SUBSTANTIAL REHABILITATION  
[REPLACEMENT] Preliminary Hearings Regarding  
Section 8.10 Evictions for Substantial Rehabilitation  
[REPLACEMENT] Application for Pre-Rehabilitation Hearing  
Section 8.11 Notification to Tenants  
[REPLACEMENT] Pre-Rehabilitation Hearings  
Section 8.13 Certification of Substantial Rehabilitation  
[REPLACEMENT] Exemption  
Section 8.14  
Remaining Sections  
8.15, 8.16 & 8.17 are proposed to be deleted.

\* \* \* \* \*

DATE:	MARCH 13, 1990
TIME:	6:30 P.M.
PLACE:	CITY HALL, ROOM 282
	(Polk St. entrance)
	SAN FRANCISCO, CALIFORNIA

\* \* \* \* \*

\* The full text of the draft proposed amendments are  
available at the Rent Board Office at 25 Van Ness Avenue,  
Suite 320, in San Francisco on Monday through Friday from  
8:30 to 5:00 p.m.





# PROPOSED AMENDMENTS TO BOARD RULES & REGULATIONS

## Part 7 LANDLORD APPLICATION FOR CERTIFICATION OF CAPITAL IMPROVEMENTS

NEW SECTION 7.18 -Repair Work Due to Natural Disaster (Proposed effective for petitions filed within one year from date of adoption)

## REPLACEMENT Part 8 LANDLORD APPLICATION FOR CERTIFICATION OF SUBSTANTIAL REHABILITATION

[REPLACEMENT] Preliminary Hearings Regarding Substantial Rehabilitation

[REPLACEMENT] Application for Pre-Rehabilitation Hearing

[REPLACEMENT] Procedures

[REPLACEMENT] Pre-Rehabilitation Advisory Opinion

[REPLACEMENT] Certification of Substantial Rehabilitation Exemption

Remaining Sections 8.15, 8.16 & 8.17 are proposed to be deleted.

THE RENT BOARD COMMISSIONERS INVITE THE PUBLIC TO COMMENT

```

* * * * *
*
*
*
*
*   DATE:   MARCH 13, 1990
*
*   TIME:   6:30 P.M.
*
*   PLACE:  CITY HALL, ROOM 282
*           (POLK STREET ENTRANCE)
*           SAN FRANCISCO, CALIFORNIA
*
*
* * * * *
    
```

1894A





Proposed Amendments to Rent Board Rules & Regulations

[NEW] Repair Work Due to Natural Disaster  
Section 7.18 (proposed effective for petitions filed on or  
before March 13, 1991)

The cost of natural disaster repair work of a non-structural nature which (in the absence of any accompanying structural work) ordinarily would be considered routine maintenance and repairs, such as plaster patching and painting, may be passed through to the tenants, subject to the following provisions:

(a) Filing: A landlord who seeks to pass through the costs of non-structural disaster repair work must file a petition for certification on a form prescribed by the Board and accompanied by the documentation listed in Sections 7.10(b)(1)(2) and (3) above. A petition for such a passthrough must be filed before giving notice of a rent increase, and any such notices shall be in conformity with the provisions of Section 4.10 and Section 7.10(c) above.

(b) Allowable Costs: Passthroughs of costs for non-structural disaster related repair work shall be limited to seventy-five percent (75%) of all such costs (including interest).

(c) Allocation of Costs: The cost of such repair work shall be allocated to all units in the building, regardless of the extent to which each was damaged. Methods which may be appropriate, depending on the circumstances, include allocation based on the square footage in each unit or equal division among all units. Costs attributable to units where the rent cannot be raised (because of a lease restriction, owner occupancy, or other reason) may not be allocated to the other units.



Proposed Amendments to Rent Board Rules & Regulations

1           (d)    Amortization Period: The cost of all such  
2 disaster related repairs shall be amortized over a period of  
3 ten years.

4           (e)    Allowance of Interest: Interest on money spent  
5 to perform such disaster related repairs shall be limited to  
6 the actual interest paid for such money or to ten percent (10%)  
7 whichever is lower, and shall be amortized over ten years.

8           (f)    Passthrough: The limitation described in  
9 Section 7.12(b) above shall apply to passthroughs based on  
10 repairs made necessary by natural disaster except under  
11 extraordinary circumstances such as:

12                   (1)   When the landlord's financial position can  
13 not sustain the extended period of recovery resulting from such  
14 a limitation without threatening loss of the building, or  
15 forcing the landlord to spread performance of the repairs over  
16 an extraordinarily long period of time such that tenants could  
17 reasonably claim that a "decrease in services" has resulted; or  
18 other hardship to the landlord.

19                   (2)   When the maximum allowable capital  
20 improvement passthrough for a given tenant is already in place  
21 at the time repair costs are certified. Under such  
22 circumstances, any rent increase based on passthrough of  
23 repairs caused by natural disaster shall be limited to an  
24 additional 5% or \$15.00, whichever is greater, in any  
25 twelve-month period. Any certified passthroughs exceeding this  
26 amount may be accumulated and imposed in subsequent years  
27 subject to this limitation.



Proposed Amendments to Rent Board Rules & Regulations

[REPLACEMENT] PART 8 SUBSTANTIAL REHABILITATION

[REPLACEMENT] Preliminary Hearings Regarding

Section 8.10 Substantial Rehabilitation

(a) A landlord who seeks to evict tenants under Ordinance Section 37.9(a)(12), in order to carry out substantial rehabilitation of an occupied building or a building which has been occupied within six months of application for a building permit to perform rehabilitation work, must apply for a pre-rehabilitation hearing with the Rent Board pursuant to Sections 8.11, 8.12 and 8.13 below. The purpose of such a hearing is to make a preliminary determination of the likelihood that the landlord will meet the requirements for substantial rehabilitation as set forth in Ordinance Section 37.2(q) and Rules and Regulations Section 1.16 and to discourage potentially unlawful evictions under Ordinance Section 37.9(a)(12). Prior to the service of any notice to vacate under Ordinance Section 37.9(a)(12), a landlord must comply with Sections 8.11, 8.12 and 8.13 below.

(b) A landlord who seeks to obtain certification of substantial rehabilitation of a building which has been unoccupied for at least six months prior to application for a building permit to perform rehabilitation work is not required to apply for a pre-rehabilitation hearing. However, a landlord may voluntarily apply for such a hearing to determine the likelihood that he or she will eventually qualify for a Substantial Rehabilitation Exemption, based upon evidence presented by the landlord at the time of the pre-rehabilitation hearing.



Proposed Amendments to Rent Board Rules & Regulations

[REPLACEMENT] Application for  
Section 8.11 Pre-Rehabilitation Hearing

Application for preliminary hearing prior to substantial rehabilitation shall include:

(a) A tenant history, including the name and unit numbers of any current tenants and their current rents, the number of vacancies in the building and the dates that each vacant unit was last occupied;

(b) A detailed description of the work to be performed and the estimated costs, with supporting documentary evidence;

(c) A physical description of the building including the type of construction, the total number of units, and total square feet of living space; with calculations of the estimated replacement cost of the building, pursuant to Section 1.16 above, using the most current Schedule of Estimated Cost-Square Foot Basis published by the Bureau of Building Inspection for purposes of determining permit fees;

(d) Evidence that the residential building is over 50 years old;

(e) A determination of condemnation or a determination by the Department of Public Works that the premises are ineligible for any permits of occupancy at the time of application; or other documentary evidence demonstrating the building's lack of conformity with contemporary standards for decent, safe and sanitary housing;

(f) A current abstract of title; and

(g) Sufficient copies of the application for





distribution to each tenant.

[REPLACEMENT] Section 8.12 Procedures

Upon receipt of a completed application, the Rent Board shall notify the tenants of the subject building, by mail, of the receipt of such application. The notice shall also state that the tenant has a right to attend a pre-rehabilitation hearing regarding the application. The Board shall calendar the application for hearing and shall mail written notice of the date to the parties at least ten (10) days prior to the hearing. The Board shall not record the hearing by tape recording or other means.

[REPLACEMENT]

Section 8.13 Pre-Rehabilitation Advisory Opinion

(a) The hearing officer shall recommend excluding work under the following circumstances:

(1) if it was necessitated by the current landlord's deferred maintenance resulting in a code violation;  
or

(2) if it is for equipment, fixtures, and improvements in an individual unit or common area "luxury" items (referred to in Section 7.15(c) above) for which the landlord cannot establish are needed for reasons of health or safety or because of excessive maintenance cost; or

(3) if the cost is substantially excessive; however, where the hearing officer determines that the item itself is a reasonable improvement, then he or she shall recommend a reduced cost which he or she finds to be reasonable determination.



Proposed Amendments to Rent Board Rules & Regulations

1 (b) Based upon evidence presented at the time of the  
2 hearing regarding the age and uninhabitability of the building  
3 and the cost of the work as estimated by competent authority  
4 and excluding work described in subsection (a) of this Section,  
5 the hearing officer shall make an advisory determination as  
6 follows:

7 (1) that once the work is completed and the  
8 projected costs have been verified by the Rent Board, the  
9 landlord will in all likelihood meet the requirements for  
10 substantial rehabilitation as set forth in Section 1.16 above.  
11 Accordingly, the hearing officer shall issued an advisory  
12 opinion informing the parties, in writing, that eviction  
13 notices may be proper pursuant to Ordinance Section  
14 37.9(a)(12); and that after completion of the rehabilitation  
15 work and upon formal certification by the Rent Board, the  
16 building will in all likelihood qualify for exemption from the  
17 Rent Ordinance under Ordinance Section 37.2(p)(7); or

18 (2) that once the work is completed and the  
19 projected costs have been verified by the Rent Board, the  
20 landlord will in all likelihood not meet the requirements for  
21 substantial rehabilitation. Accordingly, the hearing officer  
22 shall issue an advisory opinion informing the parties, in  
23 writing, which requirements will not have been met should the  
24 proposed rehabilitation work be completed at the projected  
25 costs; and that evictions under Ordinance Section 39.9(a)(12)  
26 may be found to be unlawful and subject the landlord to civil  
27 prosecution as described in Ordinance Section 39.9(f); or

28 (3) that insufficient evidence has been



presented to determine whether the landlord will meet the requirements for substantial rehabilitation upon completion of the work. Accordingly, the hearing officer shall issue an advisory opinion informing the parties in writing which requirements for certification of substantial rehabilitation exemption remain in doubt; and that unless the landlord subsequently obtains Rent Board certification of substantial rehabilitation exemption, evictions under Section 39.9(a)(12) may be found to be unlawful and subject the landlord to civil prosecution as described in Section 39.9(f).

(c) Within ninety (90) days of final inspection and approval by the Bureau of Building Inspection, a landlord who has given termination notices to tenants under Ordinance Section 37.9(a)(12) must either petition for certification of substantial rehabilitation exemption or proceed to reinstate the tenants' rights pursuant to Sections 12.15 and 12.16 below. Except in extraordinary circumstances, failure to petition for such certification within this ninety (90) day period shall result in the denial of any subsequent application for substantial rehabilitation exemption based upon the same rehabilitation work.

(d) The hearing officer's determination as to age and uninhabitability in a pre-rehabilitation hearing shall be used in a subsequent decision on a petition for substantial rehabilitation exemption pursuant to Section 8.14 below.

[REPLACEMENT] Certification of Substantial Rehabilitation  
Section 8.14 Exemption

(a) A landlord who seeks to exempt a building



Proposed Amendments to Rent Board Rules & Regulations

1 pursuant to Ordinance Section 37.2(p)(7), must petition for  
2 certification of substantial rehabilitation by filing an  
3 application which shall include those items listed in Section  
4 8.11 above. In addition, the petition for certification shall  
5 include:

6 (1) copies of invoices, signed contracts, and  
7 cancelled checks substantiating the costs claimed;

8 (2) copies of all applicable building permits  
9 and the certificate of final completion;

10 (3) if a claim is made for uncompensated  
11 labor, a copy of a log of dates on which the work was  
12 performed, the number of hours worked and description of work  
13 performed;

14 (4) the names and last known addresses of any  
15 tenants who moved voluntarily or were evicted from the building  
16 in order to commence the rehabilitation work; and

17 (5) an estimator's fee pursuant to Section  
18 3.10(b)(1) above.

19 (b) Upon receipt of a completed petition for  
20 certification of Substantial Rehabilitation, the Rent Board  
21 shall notify any tenants who moved out of the building, or were  
22 evicted in order to commence the rehabilitation work, of the  
23 receipt of such petition. The notice also shall state that the  
24 tenants have a right to attend a certification hearing  
25 regarding the petition. The Board shall calendar the petition  
26 for hearing and shall mail written notice of the date to the  
27 parties at least ten (10) days prior to the hearing.

28 (c) Work described under Section 8.13(a) above shall





be excluded from certification of substantial rehabilitation.

(d) The rules and procedures set forth in Section 7.11 (regarding Inspection of the Building) and in Part 11 (regarding Hearings) shall apply to certification of Substantial Rehabilitation.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.  
March 27, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Consideration of Appeals
  - A. 2027 Fillmore St. K001-60A  
units 1, 2, 3 & 7
  - B. 129 & 131 Lower Terrace K002-08R & K002-09R
- V. Communications
- VI. Director's Report
- VII. Remarks from the Public
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
  - A. Proposed Ordinance Changes
  - B. Proposed Rule Changes
- X. New Business
- XI. Appeal Hearing
  - 6:00 1800 Franklin St. K001-51A & K001-98R  
(accepted 2/20/90; postponed from 3/6/90)
- XII. Calendar Items
- XIII. Adjournment

DOCUMENTS DEPT

NOV 20 2020

SAN FRANCISCO  
PUBLIC LIBRARY

0007Q





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL  
RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, March 27,  
1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

I. Call to Order

Vice-President McGoldrick called the meeting to order at 5:38 p.m.

II. Roll Call

Commissioners Present:	Carrico; Lipski; Marshall; McGoldrick; Rossoff; Villa.
Commissioners not Present:	Hammill; How; Stephenson.
Staff Present:	Grubb; Wicks.

Commissioner Lipski went off the record at 5:43 p.m. and reappeared on the record at 5:58 p.m.; Commissioner Astle appeared on the record at 6:10 p.m.; Commissioner Rossoff went off the record at 8:00 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of March 20, 1990, with the following corrections:

- A. To correct "Roll Call" to reflect that Commissioner Lipski was present;
- B. To correct "New Business" to add Commissioner McGoldrick's request that the Board explore asking for a supplemental from the user fees to allow for more outreach.

(Marshall/Carrico: 5-0)

IV. Consideration of Appeals

- A. 2027 Fillmore St. K001-60A

The landlord appealed a hearing officer's ruling concerning a capital improvement increase for 8 residential units and three commercial units. The hearing officer disallowed certain improvements because they were necessitated by work done to the commercial units; or because they were not necessary for the health or safety of the residential tenants. The landlord argued the following on appeal: seismic work should be allowed, contrary to the Board of Permit Appeals finding that the landlord's intended seismic work was unnecessary for code compliance; that the hearing officer erred in not allowing the cost of an internal security gate, which the tenants stated was needed only to keep commercial customers out of the residential area; that the costs of appliances should have been allowed, although the tenants objected



to the need for new ones; that an underground transformer should be certified, despite an indication that extra AMP service was required because of the commercial units; and that the 10% cap (Rules and Regulations Sec. 7.12(d)) should not apply since the landlord relied on the law in effect when the work was begun.

MSC: To excuse Commissioner Lipski from this consideration.  
(Marshall/Carrico: 5-0)

MSF: To uphold the hearing officer and deny the appeal.  
(Marshall/McGoldrick: 2-2; Carrico and Villa  
dissenting)

MSC: To continue the matter to the April 3, 1990 meeting.  
(Marshall/Carrico: 5-0)

B. 129 & 131 Lower Terrace K002-08R & K002-09R

Two tenants appealed the hearing officer's ruling on their petitions for decreases in service and improper rent increase. The landlord had originally paid for hot water from the one water heater in the building; after installation of individual water heaters, the landlord asked the tenants to assume the cost of hot water. The heaters further took up space in each unit formerly used for storage. One of the tenants further complained that the landlords refused to trim a tree which obscured a view she had formerly enjoyed. The tenants appealed the hearing officer's allowance of an ongoing reduction of \$8.20 per month for the tenants' having to assume the cost of hot water and denial of any reduction on the issues of the storage area or view obstruction.

MSC: To uphold the hearing officer and deny the appeal.  
(Carrico/Villa: 5-0)

V. Communications

The Commissioners received the following communications:

A. The corrected appeal hearing decision for 342-356 Spruce St. [K001-40A], which was signed;

B. A letter from the tenants of 141 Laurel St. #7 and one from La Raza Centro Legal, both concerning proposed Rules and Regulations Section 7.18.

VI. Appeal Hearing

1800 Franklin St.

K001-51A & K001-98R

The landlord was granted certification of certain capital improvements by the hearing officer, but elevator and intercom work were disallowed as the tenants continue to have problems with both of these services. The landlord appealed the disallowance of these two improvements. One tenant appealed the decision on several grounds, alleging that he is being charged for work commenced within 6 months of his occupancy; that current





cost estimates of work done several years previously do not provide for inflation; and that certain costs are not reasonable. The Board accepted the appeals regarding the intercom and elevator and the tenant's issues of move-in date and allocation of the cost of the work. If the amount of the pass-through were to increase after the Board's decision, the tenants would be allowed to file on the basis of financial hardship within two weeks.

The hearing before the Board began on the record at 6:10 p.m. Appearing for the landlord were the property manager and elevator repair company representative; six tenants appeared, including the appealing tenant. The landlord's representative indicated that on March 15, 1990, a revision of the intercom system had apparently resolved the problems with that service. The tenants testified that the elevator's performance has actually worsened since work was done--seldom stopping level with the floor, occasionally trapping occupants inside for up to two hours, and frequently failing to stop at the floor requested, with problems as recently as four days before the hearing. The tenants testified that the resident manager had posted a sign two months ago warning the tenants to be careful in the elevator. Elderly tenants have been confined to their units during the weekend if there is a repair problem that can't be attended to until the beginning of the week. The hearing closed at 8:00 p.m.

After considering the testimony, the Board voted as follows:

- MSC:
1. The intercom is certified as a capital improvement as of March 1, 1990. The tenants cannot file for decreased services on the intercom, nor can the landlord pass on capital improvement increases beyond the amount originally certified.
  2. Pursuant to Rules and Regulations Section . 2.18, in the interest of fairness and justice, the elevator work is certified; however--since the tenants have not yet benefited from this work--the increase can be passed on to the tenants only after the landlord gives 30-day notice that the elevator is working properly, with the amortization period running as of March 1, 1989. The tenants cannot file petitions for decreased services concerning the elevator, nor may the landlord file for additional capital improvements for work needed to bring the elevator to full service. If the tenants disagree that the elevator is working properly, they may file petitions for improper rent increases.
  3. All tenants involved in the rent increases for capital improvements (also taking into consideration the cost of the elevator certification) may file appeals based on financial hardship within two weeks of the mailing of the Board's decision.



4. The capital improvement pass-through for the tenants in unit #404 will be adjusted to reflect only those improvements begun more than six months after the inception of this tenancy.

(Carrico/Marshall: 5-0)

VII. Remarks from the Public

A. Mr. Reuger from 1800 Franklin St. asked the Board to allow more time for parties to respond to appeals filed by the other side;

B. Al Goodwin submitted his comments concerning contemplated Ordinance changes. He also asked the the Agenda be revised to allow for Remarks from the Public to be heard earlier;

C. Charles LaKamp also suggested revisions to the contemplated Ordinance changes, including treating intentional illegal increases differently from unintentional ones.

VIII. New Business

Commissioner Lipski brought the Board's attention to the CALDAP program, a state-sponsored fund for persons suffering real property damage from the earthquake.

IX. Director's Report

A. The Board was informed by Executive Director Joe Grubb that the Commissioners could specifically invite public comment on proposed Ordinance changes and hear them under the Agenda item, "Remarks from the Public;"

B. Mr. Grubb passed out brochures on the Christmas in April program, which funds housing renovations for low income, elderly, or handicapped owners;

C. Mr. Grubb agreed to try to get City ID cards for the Board.

X. Consideration of Allegations of Wrongful Evictions

Staff Report--126 Shotwell (J008-90T/K001-20A)  
1290 Grove #605 (K003-01T/K001-55A)

The landlord and landlord's attorney have continued, despite a cautionary letter from the Rent Board, to give three-day notices for nonpayment of rent when a tenant's successful petition has been appealed. In both instances the tenants received rent reductions, to be either paid by the owner or deducted by the tenant from coming months rent. After the Board granted an appeal remand hearing, the landlord had immediately issued the 3-day notice; the attorney insisted that the remand motion stayed the original decision, so that all outstanding rent was due. The Rent Board had informed the landlord and



attorney that the decision was final unless vacated by a further decision. Additionally, the attorney has shown a pattern of requesting continuances of more than a month when hearings are scheduled, his client's appeals are to be considered, and various documents are due from him.

It was recommended that the Commissioners issue the landlord and attorney a strongly-worded letter about these patterns. As this item was not on the agenda, the Board will discuss these issues at the April 3, 1990 meeting.

XI. Calendar Items

April 3, 1990

2 appeal considerations

Executive Session: Govt. Code Section 54956.9(a) concerning  
pending litigation

Appeal Hearing

6:00 952 Sutter K001-78R through 93R; K001-46A

Consideration of Wrongful Evictions

Old Business

CALDAP Loan Program

Proposed Rules and Ordinance Changes

April 10, 1990

NO BOARD MEETING

April 17, 1990

4 appeal considerations

XII. Adjournment

Vice-President McGoldrick adjourned the meeting at 9:35 p.m.





APR 11 1990

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, April 3, 1990 at 5:30 p.m. at Room 282 City Hall  
\*\*\*\*\*

I. Call to Order

Vice-President McGoldrick called the meeting to order at 5:43 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; Lipski; Marshall;  
McGoldrick; Rossoff; Villa.  
Commissioners not Present: How; Stephenson.  
Staff Present: Grubb; O'Hearn.

Commissioner Carrico appeared on the record at 6:25 p.m. Commissioners Hammill and Lipski left the meeting at 7:30 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of March 27, 1990 as corrected on the last line of page 2 to refer to work commenced within 6 months of occupancy. (Astle/Villa: 5-0)

IV. Executive Session

Pursuant to Government Code Section 54956.9(a), the Board went into executive session to discuss with the Deputy City Attorney the following pending litigation:

Parkmerced v. S.F. Rent Board, Superior Court Nos. 893-074 and 905-435.

V. Consideration of Appeals

A. 2027 Fillmore St. K001-60A  
units 1, 2, 3 & 7 (Continued from 3/27/90)

The consideration of this case was continued last week after the motion to deny the appeal failed on a 2 to 2 vote. Commissioner Lipski remained excused from consideration of this appeal.

MSF: To deny the appeal. (Marshall/McGoldrick: 2-3; Astle, Carrico and Villa dissenting.)

MSC: To accept the appeal for a Board hearing allowing each side ten minutes for argument limited to the issue of what degree, if any, the seismic work benefits the residential tenants. (Astle/Villa: 3-2; Marshall and McGoldrick, dissenting.)





B. 3161 Steiner St.

K001-61A

The tenant rented a flat occupied by the owner's daughter. Her "share" of the rent was \$375.00, but when the daughter moved out, the landlord increased the rent to \$1,000.00. The tenant obtained another roommate and protested the rent increase. The Hearing Officer determined that the lawful rent for the entire flat was \$750.00. The landlord appeals contesting some of the hearing officer's findings and arguing the tenant's lack of rights since the rent was paid to the daughter and not the owner.

MSC: To deny the appeal. (Marshall/McGoldrick: 3-2;  
Carrico and Villa dissenting.)

VI. Appeal Hearing

952 Sutter St.

K001-78R through K001-93R  
and K001-46A

This appeal hearing commenced at 7:30 p.m. with appearances by tenant Phil Sainburg, representing himself and 13 other tenants; tenant Michael Viapiana representing himself; Barbara Herzig, the landlord's attorney; the landlord and two witnesses. The Board accepted the appeals on February 13, 1990 of both the landlord and 16 tenants for hearing limited to certain issues in this capital improvement case.

Following the landlord's presentation of testimony, cross-examined by the tenant representative, the Board suggested continuing the hearing after an additional on-site visit by the estimator with the tenant's and landlord's representative concerning the electrical and plumbing work. The parties agreed and will make arrangements with staff. The parties also agreed to review arithmetical errors with the Deputy Director prior to the continued hearing date.

VII. Communications

The Commissioners received correspondence regarding 2027 Fillmore Street for the appeal considered at this meeting.

They also received an updated set of Board Rules and Regulations.

VIII. Director's Report

The Executive Director reported as follows:

A. He is requesting a revolving fund in the budget to cover petty cash for the office.

B. The full time Hearing Officers started on April 2nd.

C. The space for Board meetings at 25 Van Ness has been approved by the Board of Supervisors.

D. The estimator for 1800 Franklin, heard before the Board last week, stated that the invoices submitted with a capital improvement petition are normally reviewed at the estimator's office without the owner.

The notification of appeal rights at the end of hearing officer decisions will be revised to clarify that each party who contests the decision must file a separate appeal.

IX. Remarks from the Public

Bartholomew Murphy, the attorney for Landmark Realty, commented on the report by the Eviction Unit Supervisor concerning his client's attempts to evict tenants who withheld rent pursuant to hearing officer decisions which had been remanded on appeal, but not vacated pending the issuance of a remand decision.

X. Consideration of Allegations of Wrongful Evictions

Report from Staff

- |                      |                   |
|----------------------|-------------------|
| A. 1290 Grove Street | J008-90T/K001-20A |
| B. 126 Shotwell Ave. | K003-01T/K001-55A |

Based on the report from the Eviction Unit Supervisor submitted last week, along with the letter and comments from the landlord's attorney (above), the Board approved the following motion:

- MSC: To adopt the recommendation of staff to send the landlord and attorney a strongly-worded letter about their patterns of requesting continuances of more than a month and ignoring hearing officer decisions for which appeals have been accepted, but the decisions have not been vacated. (Villa/Marshall: 5-0)

XI. Old Business

- A. CALDAP Earthquake Loan
- B. Proposed Ordinance Changes
- C. Proposed Rules and Regulations Changes

Due to the lateness of the hour, the Board continued these matters to the next Board meeting, April 17th.

XII. New Business

A. Vice-President McGoldrick stated that the CAO report on seismic issues is available. The Director responded that it will be obtained for the Commissioners.

B. Vice-President McGoldrick discussed Planning Commission and Board of Permit Appeals decisions affecting the status of particular buildings subject to the Rent Ordinance. Those decisions affecting the 0014Q

lack of possible exemption for four-unit buildings will be requested by the Rent Board.

C. Commissioner Astle suggested that the Board inquire about the possible use of transcribers for appeal hearings. The Director will inquire with Bob Feldman as to the cost and procedure.

XIII. Calendar Items

April 10, 1990

NO BOARD MEETING

April 17, 1990

4 appeal considerations

Old Business

CALDAP Loan Program

Proposed Rules and Ordinance Changes

April 24, 1990

2 appeal considerations

Appeal Hearing

6:00 2027 Fillmore Street

K001-60A (accepted 4/3)

XIV. Adjournment

Vice-President McGoldrick adjourned the meeting at 10:35 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

April 17, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals

DOCUMENTS DEPT.

APR 11 1990

SAN FRANCISCO  
PUBLIC LIBRARY

- A. 206 Ashton Ave. #3 K001-62A
- B. 909 Ashbury St. #4 K001-63A
- C. 433 Pierce St. #C K002-10R
- D. 2240 Judah St. K002-11R

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
  - A. CALDAP Earthquake Loan
  - B. Proposed Ordinance Changes
  - C. Proposed Rules and Regulations Changes
- X. New Business
- XI. Calendar Items
- XII. Adjournment

0015Q





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, April 17, 1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

I. Call to Order

DOCUMENTS DEPT.

President How called the meeting to order at 5:38 p.m.

APR 24 1990

II. Roll Call

SAN FRANCISCO  
PUBLIC LIBRARY

Commissioners Present: Astle; Carrico; How; Lipski;  
Rossoff; Stephenson.  
Commissioners not Present: Hammill; Marshall; Villa.  
Staff Present: Grubb; Wicks.

Commissioner McGoldrick appeared on the record at 5:48 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of April 3, 1990, as written.  
(Astle/Stephenson: 4-0)

IV. Consideration of Appeals

A. 206 Ashton Ave. #3 K001-62A

The landlord appealed the hearing officer's ruling granting rent reductions for some decreased services while denying others, for a total of \$224.00. The landlord argued on appeal that the tenant had not given notice to the owner of these problems and was, in fact, acting as building manager for the landlord during the time in question.

MSC: To remand the case for a new hearing.  
(Carrico/How: 4-0)

B. 909 Ashbury St. #4 K001-63A

The hearing officer determined that loss of use of an attic space for storage, for access to an outer deck, and loss of view justified a corresponding 20% rent reduction. The attic had originally been used as a bedroom, but this use was cited by the Bureau of Building Inspection. The later permitted use of the area as storage and deck access was denied when the attic windows were boarded over. The landlord claimed that the tenants had not had any decrease in use of this area, whereas the tenants claimed they lost the view, deck access, and storage usage.

MSC: To uphold the hearing officer and deny the appeal.  
(Astle/Stephenson: 4-0)



C. 433 Pierce St. Apt. C

K002-10R

A tenant's appeal was considered regarding the hearing officer's decision granting some long-term decreased service rent reductions--for a total of \$4,168.82--but denying the petitioned-for failure to repair and illegal rent increase claims. On appeal the tenant argued that the \$50.00 rent charge for a second person should be dropped since he no longer had a roommate; that he should not alone be charged an additional monthly amount for his Basset hound; and that denied decreased service claims should be granted.

MSC: To uphold the hearing officer and deny the appeal.  
(Carrico/Stephenson: 4-0)

D. 2240 Judah St.

K002-64A

The hearing officer's ruling was appealed by the landlord concerning rent increases above the legal limits. The hearing officer found that each increase since 1985 had been above the allowable 4% annual increase. The landlord maintained that the hearing officer erred in not taking into account "banked" increases; in rebuttal the tenant pointed out that the hearing officer failed to nullify the first rent increase at issue, also above the allowable increase amount at the time.

MSC: To remand the case for a new hearing.  
(Astle/McGoldrick: 5-0)

V. Communications

The Commissioners received the following communications:

- A. A letter from Hillsboro Properties concerning 1800 Franklin St. [K001-98R/K001-51A];
- B. A memo previously given on October 30, 1989, concerning providing opportunities for the public to speak at Board meetings. The Commissioners agreed to schedule Remarks from the Public two times on the weekly Agenda;
- C. A rough draft of the Board's informational outreach booklet written by staff;
- D. A copy of a publication titled Toxics News;
- E. The San Francisco Redevelopment Newsletter.

VI. Director's Report

Executive Director Joe Grubb reported on the following topics:

- A. The Board was asked to review the draft of the outreach informational booklet and prepare comments for the April 24, 1990 meeting;



B. Mr. Grubb discussed the activities of the new full-time hearing officers;

C. The possibility of hiring a court reporter for certain Board appeal hearings was discussed in detail;

D. The Mayor's Office is looking into the request for giving the Commissioners ID cards;

E. The Director told the Board of a major computer malfunctioning that will require manual inputting of all computer entries made since October 1989.

#### VII. Old Business

A. Commissioner Lipski summarized the provisions of the CALDAP program for earthquake repair loans;

B. After considerable discussion the Commissioners passed the following Rules and Regulations addition:

MSC: To adopt the following language for Rules and Regulations Section 7.18:

#### 7.18 Repair and Rehabilitation Work Due to Natural Disaster (effective for work finished within one year from the date of adoption)

The cost of natural disaster repair work of a non-structural nature which, in the absence of any accompanying structural work, ordinarily would be considered routine maintenance and repairs, such as plaster patching and painting, may be passed through to the tenants, subject to the following provisions:

(a) Filing: A landlord who seeks to pass through the costs of non-structural disaster repair work must file a petition for certification on a form prescribed by the Board and accompanied by the documentation listed in Sections 7.10(b)(1)(2) and (3) above. A petition for such a passthrough must be filed before giving notice of a rent increase, and any such notices shall be in conformity with the provisions of Section 4.10 and Section 7.10(c) above.

(b) Allowable Costs: Passthroughs of costs for non-structural disaster-related repair work that has not been reimbursed by insurance proceeds shall be limited to seventy-five percent (75%) of all such costs (including interest).

(c) Allocation of Costs: The cost of such repair work shall be allocated to all units in the building, regardless of the extent to which each was damaged. Methods which may be appropriate--depending on the circumstances--include, but are not limited to, allocation based on the square footage in each unit or equal division among all units. Each unit may only be charged its pro rata share of the costs. Costs attributable to units where the rent cannot be raised may not be allocated to the other remaining units.

(d) Amortization Period: The cost of all such disaster-related repairs shall be amortized over a period of ten years.

(e) Allowance of Interest: Interest on money spent to perform such disaster-related repairs shall be limited to the actual interest paid for such money or to ten percent (10%), whichever is lower, and to 10% if interest is not paid, and shall be amortized over ten years.

(f) Passthrough: The limitation described in Section 7.12(b) above shall apply to passthroughs based on repairs made necessary by natural disaster except under extraordinary circumstances such as:

(1) When the landlord's financial position can not sustain the extended period of recovery resulting from such a limitation without threatening loss of the building, or forcing the landlord to spread performance of the repairs over an extraordinarily long period of time such that tenants could reasonably claim that a "decrease in services" has resulted; or other hardship to the landlord.

(2) When the maximum allowable capital improvement passthrough for a given tenant is already in place at the time repair costs are certified. Under such circumstances, any rent increase based on passthrough of repairs caused by natural disaster shall be limited to an additional 5% or \$15.00, whichever is greater, in any twelve-month period. Any certified passthroughs exceeding this amount may be accumulated and imposed in subsequent years subject to this limitation.

( Astle/Stephenson : 5-0)

C. The Board discussed at length possible Rules changes concerning substantial rehabilitation. Commissioner Lipski will work on draft revisions for April 24, 1990.

VIII. Remarks from the Public

Al Goodwin stated his concerns about having an objective standard for determining habitability in substantial rehabilitation cases. He also expressed concern about the ability of the new hearing officers to perform their job fairly based on past experiences with some of them.

IX. Calendar Items

April 24, 1990

4 appeal considerations

Appeal Hearing

6:00 2027 Fillmore Street K001-60A (accepted 4/3)  
Executive Session: Personnel  
5 eviction reports

May 1, 1990

4 appeal considerations

Appeal Hearing

6:00 952 Sutter Street K001-78R through K001-93R  
(cont. from 4/3) adn K001-46A

X. Adjournment

President How adjourned the meeting at 8:47 p.m.



City and County of San Francisco

Residential Rent Stabilization and  
Arbitration Board



NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

April 24, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Remarks from the Public

V. Consideration of Appeals

A. 1010 Bush St. #207

B. 430 Judah St.

C. 1371 - 23rd Ave.

D. 987 & 993 Hampshire St.

K001-68A

K002-12R

K001-66A

K001-65A

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

Report from Staff

A. 1735 Waller St.

B. 687 - 3rd Ave.

C. 1831 - 48th Ave.

D. 142 - 144 Mariposa

K002-73E

K002-15E

K002-19E

K001-05B and

J003-12E through J003-15E

IX. Old Business

X. New Business

Executive Session - Govt. Code Section 54957

Personnel Matters

XI. Appeal Hearing

6:00 2027 Fillmore St.

K001-60A (accepted 4/3/90)

IV. Remarks from the Public (cont.)

XII. Calendar Items

XIII. Adjournment

DOCUMENTS DEPT.

APR 24 1990

SAN FRANCISCO  
PUBLIC LIBRARY





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, April 24, 1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; How; Lipski;  
Rossoff; Stephenson; Villa.  
Commissioners not Present: McGoldrick.  
Staff Present: Grubb; O'Hearn.

Commissioners Marshall and Carrico appeared on the record at 5:40 p.m. and 5:55 p.m., respectively. Commissioner Lipski left the meeting at approximately 7:00 p.m.

III. Approval of the Minutes

MSC: To adopt the Minutes of April 17, 1990, as written,  
(Astle/Rossoff: 5-0)

IV. Consideration of Appeals

A. 1010 Bush St. #207 K001-68A

The landlord appeals the hearing officer's decision on the tenant's rent decrease petition. The hearing officer granted rent reductions of 3% for carpet, 5% for walls and 2% for the floor. The landlord argues that evidence at the hearing does not substantiate (1) the tenant's claims or (2) the tenant's prior request of the landlord for repairs. The landlord also argues that the decrease should not be effective prior to one year preceding the filing of the petition.

MSC: To excuse Commissioner Rossoff from consideration of  
this matter. (Rossoff/Astle: 5-0)

MSC: To deny this appeal. (Hammill/Stephenson: 4-0)

B. 430 Judah St. K002-12R

The tenant appeals the remand decision of the hearing officer who, like the original hearing officer, found him not to be a "tenant" as defined under the Rent Ordinance. He argues on appeal that neither the landlord's attorney nor the landlord objected to his residency in 1988. The hearing officer concluded that their lack of objection was based on their belief that he was essentially a caretaker for the master tenant.



MSC: To deny this appeal. (Rossoff/How: 3-2; Hammill and Marshall dissenting.)

C. 1371 - 23rd Ave. K001-66A

The landlord appeals the hearing officer's decision determining rent overpayments based on 1985 (7.5%), 1986 (5.4%) and 1989 (9%) increases exceeding 4% and additionally granting a rent reduction of 20% for rainy days (based on projected rainfall) based on roof leaks. The landlord argues on appeal that he based rent increases on the "Fact Sheet" distributed by the Rent Board in 1982 stating that rent increases exceeding 7% would be null and void. He also disputes the rent reduction.

MSC: To deny this appeal. (Marshall/How: 5-0)

D. 987 & 993 Hampshire St. K001-65A

The landlords appeal the hearing officer's determination of rent overpayments based on excessive rent increases since 1982 for one unit and 1983 for the other unit. The landlords of this 9-unit property claim hardship and injustice is created by the decision, particularly because they acted in good faith.

MSC: To accept the appeal for Board hearing only on the issue of financial hardship to the landlords.  
(Carrico/Astle: 5-0)

#### V. Communications

The Commissioners received the following communications:

A. The attachment to the letter received last week from Hillsboro Properties concerning 1800 Franklin St. [K001-98R/K001-51A];

B. A letter from Teresa Marty concerning 1267 Filbert St. #5';

C. Two Board decisions - one concerning Parkmerced and action taken in September 1989, the other concerning 800 Bush St. which was heard by the Board on March 20, 1990. Both were approved and signed; and

D. The Board handout for "Owner Procedure for Rent Board Expedited Earthquake Permit Process." The Commissioners expressed concern about the lack of a tenant deadline to respond to the landlord's final offer to reoccupy the rental unit.

#### VI. Director's Report

The Executive Director solicited comments from the Commissioners on the first rough draft of outreach materials for a Rent Board pamphlet to be distributed to the public. He also informed the Commissioners that PG&E would possibly fund the distribution of the pamphlet in exchange for advertising on energy conservation measures.



VII. Appeal Hearing

2027 Fillmore St.

K001-60A

On April 3, 1990 the Board accepted the landlord's appeal for a Board hearing allowing each side ten minutes for argument limited to the issue of what degree, if any, the seismic work benefits the residential tenants. The attorneys for both parties appeared at the hearing and the structural engineer appeared as the "non-attorney representative" for the landlord. The tenant's attorney objected to the Board hearing from the engineer since he did not appear at the original hearing as a witness and because any statements he might make would be testimony instead of argument.

The Board limited presentation from the attorneys only. After hearing arguments and asking questions, the Commissioners closed the hearing. In the course of their discussion, they passed the following motion:

MSC: To continue the matter until the hearing officer could provide clarification as to which particular items in the landlord's petition had been disallowed.  
(Carrico/Astle: 3-2; Hammill and Marshall dissenting.)

VIII. Consideration of Allegations of Wrongful Evictions

Report from Staff

A. 1735 Waller St.

K002-73E

One of the tenants, who was listed on the initial rental agreement, vacated in late October 1989 after writing the landlord that the subject tenants--whom the landlord had known were residing there for six months--would be taking over rental payments. The subject tenants began paying rent in November, with their own imprinted checks in December 1989. In February 1990 the landlord delivered a 30-day termination notice for illegal subtenant holding over.

EVALUATION: The hearing officer believes the landlord was attempting to obtain a vacant apartment for purposes of gaining a market rent increase. The prior practice, size of the unit, and landlord's failure to investigate the new tenants after being informed of their occupancy all point to the legitimacy of this tenancy.

RECOMMENDATION: To write the landlord a cautionary letter and monitor.

B. 687 - 3rd Ave. K002-15E

Following the October earthquake, the City inspected the building and apparently found some damage, but did not restrict access. One month after the earthquake the landlord wrote the tenants, asking them to move "immediately" within 2 weeks; no mention of length of time, right of reoccupancy, or required legal language were included. Two weeks later a similar letter was sent again giving two weeks to vacate; it was accompanied by an engineer's letter dated a week after the  
0043Q

earthquake, stating that some bracing kinds of work are needed.

The tenants filed eviction reports in late November. The landlord and her attorney failed to respond to Board correspondence. The landlord sent another letter asking the tenants to move and in late January a termination notice was written on the letterhead of the attorney, stating that all personal property was there at the tenants' risk and that work would begin March 1, 1990. This notice was also defective. One of the tenants vacated even though no work had begun as of March 21st. All tenants deny there is serious damage to the structure.

In mid-March the landlord sent another letter to vacate, stating that the occupants were in grave danger. No permits have been granted.

EVALUATION: Bad faith behavior by the landlord and her attorney is suggested by (1) the statements of imminent danger after allowing considerable amounts of time to elapse; (2) the failure to follow proper procedures, even after notice from the Rent Board; and (3) the failure to reply to Board correspondence.

RECOMMENDATION: To write a stern, cautionary letter to the landlord and her attorney and closely monitor.

C. 1831 - 48th Ave.

K002-19E

The tenants' grandparents and mother continuously occupied this 3-bedroom home since before 1959; the tenant has lived there since his birth. After the death of the grandmother in October 1989, a 30-day notice for termination of tenancy was given about 2 months later for the occupancy of the landlord's grandson.

The grandson, 19 or 20 years old, currently lives with his parents near his job as a plumber's apprentice in Redwood City. He stated that he wishes to establish his own residence away from his parents. The landlord owns five or six other homes in the area of the subject property, all similar in size, with one vacant. The tenant's mother and aunt both testified to separate conversations with the landlord in which she stated the tenant could remain at a higher rent; the landlord denies these conversations. The current rent is \$542.00.

EVALUATION: There is a clear motivation to raise the rent. The necessity of the landlord's grandson to reside in this house, given the availability of a similar house in the same area, raises the question of good faith and honest intent. Moreover, the tenant's unit does not appear to fit the landlord's son's needs.

RECOMMENDATION: To address a stern letter of warning and guidance to the landlord and monitor the situation carefully.

MSC: To adopt staff's recommendation on all three above cases, with the addition on the first case of informing the landlord about multiple tenancies under the Board rules. (Astle/Marshall: 5-0)

D. 142 - 144 Mariposa

K001-05B and  
J003-12E through J003-15E

This case was continued by staff to the following Board meeting.

IX. Old Business

The Commissioners received draft legislation from the Deputy City Attorney for Ordinance changes requested by the Rent Board last August. Possible Ordinance and Rules amendments will be discussed at the next meeting.

X. New Business

At 7:50 p.m. the Board went into Executive Session, pursuant to Govt. Code Section 54957, to discuss personnel matters concerning the evaluation of the performance of the Executive Director. The Board returned to its regular session at 7:58 p.m.

Commissioner Marshall suggested that the Board meet twice a month instead of the present schedule. After discussion they agreed to meet on May 1st, 8th and 22nd. In June the Commissions would meet on the 5th and 19th. (The 5th is Election Day and will have to be rescheduled.)

XI. Calendar Items

May 1, 1990

4 appeal considerations

Appeal Hearing

6:00 952 Sutter Street  
(cont. from 4/3)

K001-78R through K001-93R  
and K001-46A

May 8, 1990

4 appeal considerations

Appeal Hearing

6:00 987 & 999 Hampshire St.

K001-65A (accepted 4/24)

XII. Adjournment

President How adjourned the meeting at 8:05 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

May 1, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Remarks from the Public

V. Consideration of Appeals

A. 508 Scott St. #4

B. 60 Leavenworth St.

C. 2048 Polk St. #233

D. 2867A - 22nd St.

K001-67A

K002-11R, K002-13R through

K002-16R

K002-17R

K001-69A

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions  
Report from Staff

A. 142 - 144 Mariposa

B. 725 - 6h Ave. #2 & #4

C. 979 Guerrero St.

D. 322 - 5th Ave.

K001-05B and

J003-12E through J003-15E

K002-80E & K002-81E

K001-95E

K002-64E

IV. Remarks from the Public (cont.)

IX. Appeal Hearing (cont. from 4/3/90)  
6:00 952 Sutter St.

K001-78R through K001-93R  
and K001-46A

X. Old Business

A. 2027 Fillmore St.

B. Proposed Ordinance Changes

C. Proposed Rules and Regulations Changes

K001-60A (heard 4/24/90)

XI. New Business

Executive Session - Govt. Code Section 54957  
Personnel Matters

XII. Calendar Items

XIII. Adjournment

DOCUMENTS DEPT.

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, May 1, 1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:40 p.m.

II. Roll Call

Commissioners Present: How; Lipski; Marshall; Rossoff.  
Commissioners not Present: Hammill; Stephenson; Villa.  
Staff Present: Grubb; O'Hearn.

Commissioners McGoldrick, Carrico and Astle appeared on the record at 5:47 p.m., 5:50 p.m. and 5:51 p.m., respectively. Commissioners How, Lipski and Rossoff left the meeting at approximately 6:30 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of April 24, 1990 as written.  
(Rossoff/Marshall: 4-0)

IV. Consideration of Appeals

A. 508 Scott St. #4 K001-67A

After sending notice of the hearing on this tenant petition, the Board received notification from the landlord that ownership changed. He did not inform the Board of the new owner's name and neither the new owner nor the former owner appeared at the hearing. The new owner appeals the hearing officer's decision granting various rent reductions to correspond with decreased housing services.

MSC: To remand the case for a new hearing.  
(Rossoff/Marshall: 4-0)

B. 60 Leavenworth St. K002-11R, K002-13R through  
K002-16R

Tenants in five of the six units subject to the landlord's petition for capital improvement passthroughs appeal on the basis of financial hardship. This case was remanded by the Board on a previous appeal by six of the tenants. The hearing officer granted passthroughs for these tenants ranging from \$71.96 to \$216.46 per month per unit. Because the landlord filed this petition in August 1988, these passthroughs are now due from the tenants for past periods.







MSC: To accept the appeals for Board hearing only on the issue of financial hardship to the tenants.  
(Rossoff/ Marshall: 4-0)

C. 2048 Polk St. #233 K002-17R

The tenant appeals the denial of his rent decrease petition and claims numerous factual errors by the hearing officer. While the Commissioners expressed concern over the apparent wide discrepancy between findings of the hearing officer and facts alleged by the tenant, they relied on the hearing officer's determination of credibility of both parties.

MSC: To deny the appeal. (Rossoff/How: 5-0)

D. 2867A - 22nd St. K001-69A

The landlord appeals the hearing officer's decision claiming it is based on erroneous findings and conclusions. The hearing officer voided a recent rent increase from \$600 to \$1,000 and granted monthly rent reductions as follows: \$30 for worn carpeting; \$20 for lack of carpeting promised by the landlord for one of the rooms; \$50 for lack of cold water in a bathroom; \$25 for rodent infestation; \$50 for lack of oven repairs; and \$25 for lack of heat.

MSC: To deny this appeal. (Marshall/McGoldrick: 5-0)

V. New Business - Executive Session

Pursuant to Govt. Code Section 54957, the Board went into Executive Session from 6:00 to 6:30 p.m. to discuss personnel matters.

VI. Appeal Hearing

952 Sutter St. K001-78R through K001-93R  
and K001-46A

This hearing on the appeals of both the landlord and the tenants was continued from April 3, 1990 in order to have an additional on-site visit by the estimator with the tenants' and landlord's representatives concerning the electrical and plumbing work. The continued hearing commenced at 6:38 p.m. with the estimator, Marcia Veale, testifying about her prior written report on the costs of the capital improvement work. The landlord's plumber provided rebuttal testimony.

The tenants' representative and witness then presented evidence on their appeal claims. Due to the lateness of the hour, the Board continued the hearing to the next meeting.

VII. Communications

The Commissioners received correspondence regarding 1142 Mariposa Street for the eviction report considered at this meeting.  
0057Q



They also received a draft Board decision concerning 1800 Franklin St. which was heard by the Board on March 27, 1990. Revisions will be made before final approval.

VIII. Director's Report

The Executive Director reported as follows:

A. A court reporter will not be an option for the Board because new recording equipment, including a high quality microphone, was authorized for the current budget.

B. The office will continue to experience staffing shortages as the Rent Unit Supervisor is expected to be out until next fall and the Eviction Unit Supervisor will be on leave for 6 weeks beginning next week. Both Eviction Unit counselors are still out, with one expected to return in mid-May and the other in June. A temporary part-time counselor will be hired for the next month. Additionally, the Executive Director reported that he will be out of town for the next week.

C. The Director will meet with members of the Coalition for Better Housing next week to discuss the rental unit fee. He met with the Board of Directors of the San Francisco Association of Realtors in mid-April and is presently working with a small business group as well.

IX. Consideration of Allegations of Wrongful Evictions

Report from Staff

A. 979 Guerrero St.

K001-95E

Although the landlord was technically entitled to serve a 3-day notice for nonpayment of a rent increase, repair needs were serious, long-standing, and well-documented (including by BBI). The tenants were specifically prohibited from making repairs themselves by the landlord's attorney and so felt only rent withholding would get the landlord's attention. The landlord acted improperly in refusing the tenants' rent, both before and after the 3-day notice, because they would not pay attorneys' fees [both unnoticed and not legally applicable to a 3-day notice].

RECOMMENDATION: To write the landlord (cc: her attorney) informing her of her responsibilities and of the Board's intention to monitor the case. If the eviction goes forward, the Board should consider legal action.

B. 322 - 5th Ave.

K002-64E

The tenant prevailed on his petition for decreased services for conditions obvious and/or noticed by the tenant. The property was purchased in October 1988 by five immediate family members. One brother moved in, apparently on an intermittent basis, in October 1989. Another brother insists he lives there, although his continuous residence is in question. A sister-owner sent a termination notice to 0057Q



the subject tenant. A notice in May 1989 was legally defective. A notice in January 1990 may pose some minor legal problems, but appears to be in good faith.

Recommendation: To send the landlords a mild cautionary letter reminding them of their responsibilities to follow the provisions of the Ordinance and Rules.

C. 1142 - 1144 Mariposa K001-05B and  
J003-12E through J003-15E

The landlords and/or their attorney have proceeded incorrectly from the beginning of this action: Sending notices 8 months before permits were obtained; refusing to reimburse tenants for verified moving costs, despite a Rent Board order; refusing to communicate with the Rent Board and tenants; and failing to file a Time Extension petition despite their acknowledged awareness of this requirement 8 months before filing and despite specific Rent Board direction.

By letter delivered by FAX to the Board on the day of this Board meeting, the landlord assured the Board that the problems will not be reoccurring and that a new attorney has been hired.

RECOMMENDATION: To consider further action on this matter and to make it clear to the landlords--and, once again, their (former) attorney - that the Rent Board expects the law to be adhered to, especially when they are specifically admonished to follow it.

MSC: To adopt the recommendations of staff in each of the above cases. (Astle/Marshall: 4-0)

D. 725 - 6th Ave. #2 & #4 K002-80E & K002-81E

The tenants began occupancy in 1939, 1967, and 1978, respectively, with current rents of \$250.00, \$280.00, and \$365.00. All of the tenants are elderly, ranging from 72 years to 92 yrs. old.

At best, the landlords acted out of ignorance, even though somebody familiar with the Rent Law assisted them. Inexcusable, however, is the service of 3-day notices 2 months after the Rent Board informed the owners of the illegality of the rent increases on which the notices were based. Further, the two transfers to an owner -- clearly for the purposes of exempting the building and increasing low rents 250%-- are very suspect since there is no showing these were other than "paper exchanges." The outstanding question is whether the resident landlord has the good faith ownership interest required by Rules & Regs 1.15(e).

MSC: To send a letter referring this case to the District Attorney. (Astle/Marshall: 4-0)



X. Old Business

A. 2027 Fillmore St. K001-60A (heard 4/24/90)

The Deputy Director reported that the hearing officer, who was out of town last week, has now picked up the files to review this case as instructed by the Board.

B. Proposed Ordinance Changes

This matter was continued to the next meeting.

C. Proposed Rules and Regulations Changes

1. New Rule 7.18 adopted April 17, 1990.

Staff requested clarification of the Board's wording "effective for work finished within one year from the date of adoption" since that would exclude any work completed before April 17, 1990. The Board agreed that the Regulation should be "effective for work completed by April 17, 1991."

Staff also noted that this regulation concerning Repair and Rehabilitation Work Due to Natural Disaster does not preclude the consideration of such work in an operating and maintenance expense increase petition. The Board therefore passed the following motion:

MSC: To add subsection (g) providing as follows:

Work eligible for passthrough under this Section shall not be considered as an operating and maintenance expense under Section 6.10.

(Astle/Marshall: 3-1; Carrico dissenting.)

2. Rule 7.10 amendments at the August 15, 1989 hearing.

The Deputy Director distributed the proposed amendments to Rule 7.10(b) which were distributed for public hearing on August 15, 1989. This rule concerns the Board requirement that copies of building permits accompany capital improvement petitions. However, the Board Minutes do not reflect the adoption or disapproval of any amendments on this rule.

The Commissioners believed that the amendments had been adopted at the August 29, 1989 Board meeting, when other amendments concerning undisputed Rules were adopted. Therefore, the following motion was passed:

MSC: To correct the Minutes of August 29, 1989 to add the following motion (under Section VII. Old Business):

- I. MSC: To amend Section 7.10(b) concerning the filing of capital improvement petitions, as proposed.  
(Carrico/Marshall: 5-0)





(b) Information to Accompany Landlord's Application  
The application shall be accompanied by: (1) copies of the application in sufficient number to distribute to each of the tenants named in the application, plus one additional copy for the estimator; (2) two copies of all claimed invoices, signed contracts, and cancelled checks substantiating the costs claimed; (3) if claim is made for uncompensated labor, the application shall include a copy of a log of dates on which the work was performed; (4) copies of proof of compliance with the Bureau of Building Inspection for any work claimed for energy conservation measures or other work for which proof of compliance is required by state or local law.

(Astle/Marshall: 4-0)

XI. Calendar Items

May 8, 1990

4 appeal considerations

Appeal Hearings

6:00	987 & 999 Hampshire St.	K001-65A (accepted 4/24)
7:00	952 Sutter Street	K001-78R through K001-93R
	(cont. from 5/1)	and K001-46A

May 15, 1990 - No Board meeting.

May 22, 1990

7 appeal considerations

Appeal Hearing

6:00	60 Leavenworth St.	K002-11R, K002-13R through K002-16R (accepted 5/1)
------	--------------------	---

The Commissioners discussed their twice a month schedule and agreed to meet on May 22nd and 29th since they will not meet on June 5th, Election Day. They will meet June 12th and 26th.

XII. Adjournment

Vice-President McGoldrick adjourned the meeting at 10:10 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.  
May 8, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals

A.	56 Elizabeth St.	K002-18R
B.	780 Post St. #43	K001-72A
C.	665 Geary St. #507	K001-71A
D.	1142 Mariposa St.	K002-20R

- VI. Communications

- VII. Director's Report

- VIII. Consideration of Allegations of Wrongful Evictions

- IV. Remarks from the Public (cont.)

- IX. Appeal Hearings

6:00	A.	987 & 999 Hampshire St.	K001-65A (accepted 4/24/90)
7:00	B.	952 Sutter St.	K001-78R through K001-93R
		(cont. from 5/1/90)	and K001-46A

- X. Old Business

A.	2027 Fillmore St.	K001-60A (heard 4/24/90)
B.	Proposed Ordinance Changes	
C.	Proposed Rules and Regulations Changes	

- XI. New Business

- XII. Calendar Items

- XIII. Adjournment

DOCUMENTS DEPT

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, May 8, 1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

I. Call to Order

Commissioner Rossoff called the meeting to order at 5:39 p.m.  
Vice-President McGoldrick presided over the rest of the meeting.

II. Roll Call

Commissioners Present:	Hammill; Lipski; Marshall; McGoldrick; Rossoff; Stephenson; and Villa.
Commissioners not Present:	How.
Staff Present:	O'Hearn; Gartzman.

Commissioners Astle and Carrico appeared on the record at 5:42 and 6:02 p.m., respectively. Commissioner Astle left the meeting at 7:27 p.m. Commissioners Lipski and Rossoff left the meeting at 8:00 p.m. Commissioners Hammill and Stephenson took a recess from that time until after the conclusion of the appeal hearing at 10:20 p.m.

Commissioner Marshall and Deputy Director O'Hearn left the meeting at 11:10 p.m. Commissioners Hammill and Stephenson left the meeting at 11:12 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of May 1, 1990 as written.  
(Rossoff/Villa: 5-0)

IV. Remarks from the Public

No remarks from the public were made at this time.

V. Consideration of Appeals

A. 56 Elizabeth Street K002-18R

The landlords plan to renovate this two-unit building by demolishing the lower unit and replacing it with two parking spaces, and then building a three-story two-unit addition at a cost of \$225,000. Code work costing \$75,000 - \$80,000 also will be performed. The hearing officer granted the landlord's petition for approval of a six-month renovation period, during which the tenants will not be able to occupy their unit. The tenants appeal on the basis of financial hardship, claiming that the costs for replacement housing, first and last month's rent, security deposit and moving costs create an unmanageable financial burden.



MSC: To deny the appeal and request staff to send a letter to the parties clarifying the statutory limitation for moving and relocation expenses and cautioning the landlords that any future petitions for extension of time will be closely scrutinized because of the financial burden on the tenants.  
(Marshall/Rossoff: 5-0)

B. 780 Post Street

K001-72A

The landlord appeals from the hearing officer's decision granting the tenant's petition for decreased housing services. The landlord claims that he did not receive notice of the hearing or a copy of the decision, but learned of it from the tenant. No Declaration of Non-receipt of Notice of Hearing was filed as required by Rules and Regulations Section 11.14(b). Moreover, the landlord's appeal was filed after the 15-day deadline following the mailing of the hearing officer's decision.

MSC: To continue the case and request staff to send a letter to the appellant requesting a Declaration of Non-receipt of Notice of Hearing and a written statement explaining any reasons for the late filing of the appeal. (Marshall/Rossoff: 5-0)

C. 665 Geary Street #507

K001-71A

The landlord appeals from the hearing officer's decision granting the tenant's petition for decreased housing services. The landlord claims that he never got notice of the hearing. No Declaration of Non-receipt of Notice of Hearing was filed. The landlord also claims that all defective conditions were repaired prior to the hearing, contrary to the hearing officer's findings. Additionally, the unit number on the decision (605) is incorrect. The landlord's appeal was filed five weeks after the hearing officer's decision was mailed.

MSC: To continue the case and request staff to send a letter to the appellant requesting a Declaration of Non-receipt of Notice of Hearing and a written statement explaining any reasons for the late filing of the appeal. (Marshall/Villa: 5-0)

D. 1142 Mariposa

K002-20R

The tenant filed an appeal in order to correct an error in the hearing officer's decision. The decision states that the tenant's rent prior to eviction for capital improvements was \$410.00. This is actually the amount of the rent differential the tenant is paying for his temporary rental unit. A prior Rent Board decision correctly found the pre-eviction rent to be \$100.00.

MSC: To excuse Commissioner Rossoff from consideration of this appeal. (Villa/Astle: 5-0)





MSC: To remand the case to another hearing officer for correction. (Marshall/Villa: 5-0)

IV. Remarks from the Public (cont.)

A. Jean Markinson, a friend of the tenants in the 56 Elizabeth appeal, expressed her concern about the landlord's good faith in that matter. She also inquired about the nature of statutory moving and relocation expenses when tenants are temporarily evicted in order for the landlord to carry out capital improvements pursuant to Ordinance Section 37.9(a)(11).

B. Al Goodwin remarked on the different legal interpretations of Ordinance Section 37.9(a)(11) and Rules and Regulations Section 12.15(d) (statutory moving and relocation expenses for tenants temporarily evicted for capital improvements).

VI. Appeal Hearings

A. 987 and 993 Hampshire St. K001-65A

On April 24, 1990, the Board accepted the landlords' appeal for a Board hearing only on the issue of financial hardship to the landlords. The hearing officer found the landlords liable to the tenants for a total of \$17,275.00 in rent overpayments. The landlords had rounded off increases in operating expenses and capital improvement costs and passed them through to the tenants without petitioning the Board as required. All rent increases since 1982 were found to be null and void, each exceeding the annual allowable limitations by 3.1% to 5.5%.

The landlords presented summary evidence of their income, assets and operating expenses for this and other properties which they own. The landlords own three properties (12 units total) with an estimated value of \$1.65 million. These properties, each of which has insufficient income to meet operating expenses, are the landlords' sole source of income. The landlords have a small amount of savings and other assets. They live off of the equity they have in their three properties by refinancing them approximately every two years.

If the hearing officer's decision was upheld, the landlords would lose an estimated 40% of the income from this property, their largest building (8 units). Since the tenants' rents are well below market rate, it would take them several years to offset the overpayments against their rents, as permitted by the hearing officer's decision.

Following the hearing, the Commissioners discussed the case and made the following motions:

MS: To find hardship in this case and modify the overpayments by calculating increases given to be in correct amounts and permit overpayments to be offset against the rent at the rate of \$100.00 per month. (Carrico/Villa)



She also briefly discussed the above court decisions and the above legislation.

X. Old Business

A. 2027 Fillmore Street K001-60A (heard 4/24/90)

The Commissioners received a memo from Hearing Officer Jeffrey Goodfriend in response to their request following the appeal hearing. Due to the lateness of the hour, they continued the case to the next Board meeting.

B. Proposed Ordinance Changes

C. Proposed Rules and Regulations Changes

These matters also were continued to the next meeting.

XI. Calendar Items

May 15, 1990 - No Board meeting.

May 22, 1990

8 appeal considerations (plus 2 continued)

Appeal Hearing

6:00 60 Leavenworth St. K002-11R, K002-13R through  
K002-16R (accepted 5/1/90)

Old Business

A. 987 and 993 Hampshire St. K001-65A (heard 5/8/90)

B. Proposed Ordinance Changes

C. Proposed Rules and Regulations Changes

May 29, 1990

4 appeal considerations

Old Business

952 Sutter St. K001-78R through K001-93R  
and K001-46A (heard 5/8/90)

There will be two meetings next month: June 12th and June 26th.

IV. Remarks from the Public (cont.)

A tenant in a pending capital improvement case requested the Board to provide without cost a copy of the documents accompanying the landlord's petition. Staff responded that the documents are available for review at the office and that a copy service may come in the office to copy for a lesser cost than charged by the Rent Board when there are a great number of documents involved.

The tenant also inquired about capital improvement procedures.

XII. Adjournment

Vice President McGoldrick adjourned the meeting at 11:15 p.m.





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, May 22, 1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

DOCUMENTS DEPT.

JUN 1 1990

PUBLIC LIBRARY

I. Call to Order

President How called the meeting to order at 5:32 p.m.

II. Roll Call

Commissioners Present: Astle; Carrico; Hammill;  
McGoldrick; Rossoff; Stephenson.  
Commissioners not Present: Marshall; Lipski; Villa.  
Staff Present: Grubb; Pickman-Thoon.

Commissioner McGoldrick appeared on the record at 5:34 p.m.

Commissioner Rossoff appeared on the record at 5:35 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of May 8, 1990 as written. (5-0)

IV. Remarks from the Public

Leonor Solorzano, on behalf of the tenants of 987 and 993 Hampshire Street, submitted copies of a document for consideration by the Board in deciding the landlord's hardship appeal (heard May 8, 1990).

David Cincotta, representing the owners of Hampshire Street, expressed a hope that the case would be decided soon. The Commissioners agreed to deal with the case at the next meeting.

Al Goodwin requested statistics on cases filed. The Director indicated that the monthly summary would be available soon, when a printer/program computer problem was worked out.

V. Consideration of Appeals

A. 780 Post Street	K001-72A
B. 665 Geary Street #507	K001-71A

These two appeals filed by the same landlord were continued from the previous meeting in order for the landlord to submit a Declaration of Non-receipt of Notice of Hearing and to explain any good cause for the late filing of the appeals. In both declarations submitted, the landlord stated that the notices went to the "wrong business address." In the Post Street case, the notice to the landlord went to Nob Hill Associates IV at 4 Embarcadero Center #1980. In the Geary Street case, the notice went to Ronald Macrae at 3 Embarcadero Center #1080.

The landlord submitted no explanation for late appeal, except to note that in the Geary Street case (filed 5 weeks after the decision was mailed) the matter was settled in Municipal Court.

MSC: To remand both cases for new hearings with particular instructions to determine the identity of the landlord. (Carrico/Astle: 5-0)

C. 9 August Alley

K001-74A

The landlord lists only one tenant (#103) on his appeal form, but contests the denial of an operating and maintenance increase for all 5 units subject to his petition. The petition is based on increased costs for debt service, repairs, and advertising and rental fees. The hearing officer disallowed consideration of the debt service because the Board previously granted a petition based upon debt service in 1987. Consideration of the repair and other categories was disallowed because the evidence did not establish that the costs were not attributable to vacant units. The landlord asserts improper denial of the debt service and of the other disallowed costs, as well as bias.

MSC: To accept the appeal for Board hearing on the first two issues raised in the appeal. (Carrico/How: 3-2; McGoldrick and Stephenson dissenting)

D. 175 Fair Oaks Street #A

K001-70A

The landlord appeals a reduction in the tenant's rent based upon a substantial decrease in services. The landlord asserts a failure to meet the burden of proof, bias, and an error in calculation for the front stairs reduction. The landlord also objects to the Board's inability to locate the tape recording of the hearing.

MSC: To remand the case for a new hearing due to the apparent lack of record in this case. (Carrico/How: 5-0)

E. 1284 McAllister Street

K001-73A

The landlord appeals the decision granting a rent reduction based upon a substantial decrease in services. The landlord asserts that the previous landlords should be held responsible for the housing conditions.

MSC: To deny the appeal and request staff to send a letter to the landlord advising that the Board has no jurisdiction over liability between landlords. (Astle/Stephenson: 5-0)

F. 117 - 4th Avenue

K001-75A & K002-21R

Both the landlord and the tenant appeal the decision granting a rent reduction and a deferred annual rent increase based upon a substantial decrease in services and a failure to repair and maintain. The tenant asserts that the hearing officer abused her discretion in interpreting the terms of tenancy regarding a \$50.00 monthly reduction for gardening and maintenance services in order to determine the base rent. The landlord asserts that he did not receive any oral notices and some factual inaccuracies.

MSC: To deny both appeals. (Astle/McGoldrick: 5-0)

G. 4221 20th Street

K002-22R

The tenant appeals the decision granting a capital improvement passthrough of \$59.37 per month. The tenant asserts that the hearing officer did not consider all the information presented at the hearing and made some factually inaccurate findings. The tenant also raises an objection to the passthrough of the cost of the stove, which was addressed in the decision, based upon the allegation that sale of the stoves is illegal.

MSF: To remand the case for a new hearing. (Stephenson/McGoldrick: 2-3; Astle, Carrico and Rossoff dissenting)

MSC: To deny the appeal. (Carrico/How: 4-1; Stephenson dissenting)

H. 295 Guerrero Street

K001-77A

The landlord appeals on the basis that he "was not served with the original request for the hearing." The original notice of hearing was sent to the correct address of P.O. Box 280267. The Declaration of Non-receipt of Notice of Hearing states that the landlord "does not know" why he did not receive notice. Moreover, the appeal was filed three days late without explanation.

MSC: To continue the case until next week and request staff to provide background information on any previous appeals filed by this landlord following his failure to appear. (Carrico/Astle: 5-0)

I. 3358 Market Street

K001-76A

The landlord appeals the remand decision granting a reduction in rent for failure to eradicate skunk infestation. Although the tenant requested a 100% reduction in rent, the hearing officer determined the decrease in service to correspond with 50% of the monthly rent. The landlord asserts that the hearing officer went beyond the scope of his jurisdiction, is biased, and ignored testimony. The landlord also asserts an abuse of discretion in allowing a 50% reduction because the landlord acted reasonably under the circumstances.



MSC: To excuse Commissioner Rossoff from consideration of this appeal. (McGoldrick/Astle: 5-0)

MSC: To deny the appeal. (Stephenson/McGoldrick: 5-0)

J. 901 Fell Street #15 K002-23R

The tenant appeals the dismissal of his petition alleging a substantial decrease in services. The tenant did not appear at the hearing because he received notice sent to his old address after the scheduled date, even though the tenant had filed his new address with the Board.

MSC: To remand the case for a new hearing.  
(Astle/McGoldrick: 5-0)

#### VI. Communications

In addition to appeal responses, the Commissioners received the following communications:

A. A postponement request for the appeal hearing on 60 Leavenworth Street, which was granted by the Director.

B. A revised draft of the outreach pamphlet.

C. A memo from the Rent Board office shop steward.

#### VII. Director's Report

The Director reported that monthly statistics would be available in summary form in a week or two when a computer program print-out becomes viable.

The Director also reported that FEMA will probably approve an approximate reimbursement of \$25,000.00 to the Board because of earthquake relocation costs.

#### VIII. Old Business

A. 2027 Fillmore Street K001-60A (heard 4/24/90)

The Commissioners discussed the case and the problems involved in certifying some portion of the seismic work to the tenants, with the balance of the cost denied as relating to the commercial units.

The Commissioners expressed concern about the additional cost incurred resulting from moving the walls of the residential units, which may not have been necessary if the commercial space had not been reconfigured. The Commissioners observed that the numbers had not been provided by the landlord as a basis for decision. After discussion the following motion was made and carried:  
0090Q



MSC: To uphold the hearing officer and deny the appeal based on a failure of proof, without prejudice to the landlord's refiling of a new capital improvement petition for only the seismic work, which specifies the cost attributable to the seismic work, clearly explaining the amount and its benefits to the residential units, without inclusion of the costs attributable or related to the reconfiguration of the commercial units. (Carrico/Stephenson: 5-0)

B. Proposed Ordinance Changes.

The Commissioners discussed the merits of enacting a statute of limitations for tenant and landlord petitions. These matters were then continued to the next meeting when no appeal cases would be heard.

IV. Remarks from the Public (cont'd)

Al Goodwin requested that the Agenda be posted at the meeting. The Board was encouraged to further clarify operating and maintenance increase regulations.

IX. New Business

At 7:45 p.m. the Commissioners went into Executive Session pursuant to Government Code Section 54957 to discuss personnel matters. At 8:29 p.m. the Commissioners returned to their regular session.

X. Calendar Items

May 29, 1990

7 appeal considerations (including 1 cont'd)

Old Business

A. 952 Sutter St. (cont'd)

B. 987 & 999 Hampshire St. (cont'd)

C. Outreach pamphlet

Appeal Hearing: 60 Leavenworth St.

June 12, 1990

8 appeal considerations

Old Business

A. Proposed Ordinance changes

B. Proposed Rules and Regulations Changes

Appeal Hearing: 9 August Alley (accepted 5/22)

XI. Adjournment

President How adjourned the meeting at 8:31 p.m.





F  
52  
129/90

NOTICE OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION & ARBITRATION BOARD, Tuesday, 5:30 p.m.

May 29, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals
  - A. 295 Guerrero St. K001-77A (cont. from 5/22)
  - B. 3833 - 24th St. K001-80A
  - C. 731 -755 Florida St. K001-78A & K001-24R
  - D. 223-B, 225-A, 229-A Pierce St. K001-81A
  - E. 410 Hyde St. #206 K002-25R
  - F. 1545 Sanchez St. K001-79A
  - G. 2130 Jackson St. K002-26R
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
  - A. 987 & 999 Hampshire St. K001-65A (heard 5/8/90)
  - B. 952 Sutter St. K001-78R through K001-93R  
(heard 4/3, 5/1 and 5/8/90) and K001-46A
  - C. Proposed Ordinance Changes
  - D. Proposed Rules and Regulations Changes
  - E. Rent Board pamphlet
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Appeal Hearing (postponed from 5/22/90)
  - 6:00 60 Leavenworth St. K002-11R, K002-13R through  
K002-16R (accepted 5/1)
- XII. Calendar Items
- XIII. Adjournment

DOCUMENTS DEPT.  
JUL 1 1990  
PUBLIC LIBRARY

0101Q





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD,  
Tuesday, May 29, 1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

DOCUMENTS DEPT.

JUN 7 1990

PUBLIC LIBRARY

I. Call to Order

President How called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Astle; How; Lipski; Rossoff;  
Stephenson.  
Commissioners not Present: Hammill; Villa.  
Staff Present: Grubb.

Commissioner Marshall appeared on the record at 5:38 p.m.  
Commissioner McGoldrick appeared on the record at 5:40 p.m.  
Commissioner Carrico appeared on the record at 5:43 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of May 22, 1990 as written.  
(Astle/Stephenson: 4-0)

IV. Consideration of Appeals

A. 295 Guerrero Street K001-77A (cont. from 5/22/90)

The landlord appeals on the basis that he was not notified of the hearing. The staff was requested to research previous hearings involving this owner and the history of his attendance.

MSC: To deny the appeal. (Astle/Stephenson: 4-0)

B. 3833 24th Street K001-80A

The landlord appeals the decision granting the tenant's petition on the grounds that the Findings of Fact and Conclusions of Law are erroneous and not substantiated by testimony.

MSC: To deny the appeal. (Rossoff/Marshall: 5-0)

C. 731-55 Florida Street K002-78A and K001-24R

One tenant appeals the decision on the grounds that the hearing officer erred in granting the capital improvement passthrough because the landlord had already passed through improvements in the form of higher rent. Also the tenant claims to have failed to appear on the basis of excusable neglect.



MSC: To deny the appeal without prejudice to file a petition on the issue of illegal rent increase.  
(Astle/Rossoff: 5-0)

The landlord also appeals on the basis that the hearing officer failed to properly apply the law regarding the eligibility of the building for substantial rehabilitation.

MSC: To continue the matter until the Board obtains an opinion from the City Attorney regarding the applicability of Ordinance Section 37.2(9) which defines substantial rehabilitation and whether or not this building meets the criteria of having residential units of 50 or more years of age. (Astle/Carrico: 5-0)

D. 223B-25A & 229 Pierce St. K001-81A

The landlord appeals the hearing officer's decision on the basis that he was denied due process because references to a previous petition were used in the decision, but not raised in the hearing.

MSC: To remand for a new hearing before a hearing officer.  
(Carrico/How: 5-0)

E. 401 Hyde Street #206 K002-25R

The tenant appeals the decision denying his rent decrease petition on the grounds that there was sufficient proof provided by himself and other tenants as to the condition of the elevator. He further states that the other tenants got settlements for the same issue and so should he.

MSC: To remand for a hearing on notice issues only.  
(Marshall/McGoldrick: 5-0)

F. 1545 Sanchez St. K001-79A

The landlord appeals the decision on the grounds that the hearing officer abused his authority in granting a 25% reduction.

MSC: To deny the appeal. (Marshall/McGoldrick: 4-1;  
Carrico dissenting)

G. 2130 Jackson Street K002-26R

The tenant appeals the passthrough on the basis that his own unit is in bad condition.

MSC: To deny the appeal, but direct staff to send notice to the tenant advising him of his rights to petition the Board for a rent decrease based upon a decrease in services. (Carrico/Marshall: 5-0)





V. Communications

The Commissioners received the following communications:

- A. A letter from the landlord's attorney concerning the appeal hearing tonight on 60 Leavenworth.
- B. A letter from the landlord's attorney concerning the appeal determination tonight for 987 and 999 Hampshire.
- C. Correspondence regarding 5633 California. Staff was directed to research and advise Board of any action needed.

VI. Old Business

- A. 987-999 Hampshire K001-65A

MSC: To amend the motion of May 8, 1990 to substitute the word "hardship" with "that in the interest of fairness and justice." The calculations made by the staff at the Board's request are adopted as written.  
(Carrico/Lipski: 4-1; McGoldrick dissenting)

VII. Appeal Hearing

60 Leavenworth Street K002-11R, and K002-13R  
Units 23, 27, 34, 35 & 43 through K002-16R

This hearing was on tenant hardship. Only four (4) tenants presented their evidence and the Commissioners, after discussion, made the following motions:

- MSC: Tenant Scott (unit #23) shall pay \$90.00 additional each month until the outstanding balance has been paid.  
(Astle/Marshall: 5-0)
- MSC: To deny the claim of hardship by tenant Abdo Mohamed (unit #35 ). (Astle/Carrico: 5-0)
- MSC: To deny the claim hardship by tenant Abdulah Mohamed (unit #43). (Carrico/Astle: 5-0)
- MSC: To continue the case until June 26, 1990 to give tenant Hakim (Apt. #34) two weeks to provide documentation of hardship to the Board and to the landlord's attorney. That after his review, the landlord's attorney notify the Board in writing if he desires to go ahead with the scheduled hearing. (Marshall/Carrico: 5-0)



VI. Old Business (cont.)

B. 952 Sutter Street K001-78R through K001-93R,  
K001-46A

Commissioner Stephenson was excused from consideration of this matter.

Following discussion of a proposal drafted by Commissioners Carrico and Marshall, the Commissioners approved the following motion:

MSC: To certify the following capital improvement costs:

1. <u>Architect's Fees</u>	<u>Amount Following Reduction</u>
a. 50% of electrical	\$ 3,750
b. 50% of plumbing	\$ 3,750
c. 50% of heating & mechanical	\$ 5,000
d. 50% of interior decoration	\$ 3,500
e. 100% of garbage room	\$ 1,000
f. 33% of hallways, entry, lobby	\$ 4,620
g. 0% of front desk	-0-
h. 0% of basement common area	-0-
Total	\$21,620

2. Elevator

total cost per estimator's report and petition: \$7,950.00.

3. Luxury Items

	<u>Cost After Adjustment</u>
a. New mailboxes at 50% of hearing officer cost	\$ 1,606
b. Intercom move at 100% of hearing officer cost	\$ 995
c. Telephone at 100% of relocation of entry cable, and none of rewire costs	\$ 1,635
d. Front desk - none	-0-
e. Brass handrails	\$ 2,667
f. New locks - Not Certified	\$ 5,314
g. Mailbox cylinders at 50% of hearing officer cost	\$ 2,211

4. Number of units in the building: 59 (58 regular plus 1 basement).

5. Transformer Vault - Deny without prejudice.



6. Electrical

a. Individual units

At the amount set out in the estimator's report, including the cost of heaters but excluding the cost of new stoves as replacement appliances.

b. Common Area

Electrical amounts set forth in the estimator's report as follows (excluding the transformer vault):

electrical services	\$30,420
common baths	\$ 480
basements	\$ 1,760
corridor	\$ 2,190
Total	\$34,850

7. Plumbing

a. Individual Units

A cost per unit which is the average between the estimator's cost and the petitioned cost. For most units this is \$730.00 per unit, except for all but 3 units (#4 & #16 - \$182.50; and #609 - \$365.00).

b. Common Area

Per estimator's report and hearing officer findings:

extend fire sprinkler line	\$ 95
lightwell covers	\$8,064
new gas valve at boiler	\$1,100

(Astle/Marshall: 4-1; Carrico dissenting)

C. Handbook

The Board wants the outreach booklet draft shelved. While it is informative and could be useful for limited audiences, it would not be adequate for the intended audience. The Commissioners discussed setting up working committees to develop specific topics for another booklet.

VIII. Calendar Items

June 5, 1990 - No Meeting (Election)

June 12, 1990

8 appeal considerations

Old Business

Appeal Hearing: 9 August Alley (accepted 5/22)

June 19, 1990

Rules, Regulations and Ordinance changes

IX. Adjournment

President How adjourned the meeting at 10:31 p.m.



City and County of San Francisco

Residential Rent Stabilization and  
Arbitration Board



NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.  
June 12, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Remarks from the Public

V. Consideration of Appeals

A.	350 Arballo, #3G	K002-30R
B.	1284 McAllister Street	K001-84A
C.	246A 11th Street	K001-82A
D.	1030 Franklin St. #201	K002-28R
E.	1575 10th Avenue	K001-85A
F.	952 Sutter St. #4	K002-29R
G.	255 Steiner Street	K001-83A
H.	411 O'Farrell Street #450	K002-27R

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

IX. Old Business

A.	731-55 Florida Street	K002-78A
B.	987 and 999 Hampshire	K001-65A

(To consider motion of May 8th as amended May 29th)

IV. Remarks from the Public (cont.)

X. Appeal Hearing

6:00	9 August Alley units 103, 104, 201, 204 and 303	K001-74A (accepted 5/22/90)
------	--	-----------------------------

XI. New Business

XII. Calendar Items

XIII. Adjournment

0314K

DOCUMENTS DEPT.

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, June 12, 1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: How; Hammill; Lipski; Rossoff.  
Commissioners not Present: McGoldrick; Stephenson; Villa.  
Staff Present: Grubb; Lim.

Commissioner Marshall appeared on the record at 5:40 p.m.

Commissioner Carrico appeared on the record at 6:25 p.m.

Commissioner Astle appeared on the record at 8:00 p.m.

III. Approval of Minutes

MSC: To approve the Minutes of May 29, 1990 as written.  
(Rossoff/Hammill: 4-0)

IV. Consideration of Appeals

A. 350 Arballo #3G K002-30R

The tenant appeals the decision denying tenant's petition alleging an illegal rent increase on the grounds that the Findings of Fact and Conclusions of Law are erroneous and not substantiated by testimony.

MSC: To deny the appeal. (Rossoff/How: 5-0)

B. 1284 McAllister St. K001-84A

The landlord appeals the decision granting tenant's petition on the ground that the hearing officer erred in granting a rent reduction.

MSC: To deny the appeal. (Rossoff/Marshall: 5-0)

C. 246A 11th Street K001-82A

The landlord appeals the decision modifying the tenant's petition for decrease in services on the grounds that the Findings of Fact and Conclusions of Law are erroneous because the refrigerator was functional.

MSC: To deny the appeal. (Marshall/Rossoff: 5-0)



D. 1030 Franklin Street #201 K002-28R

The tenant appeals the decision on the grounds that the hearing officer erred in granting the capital improvement passthrough due to fact that the elevator benefits units on upper floors more than on lower floors. The tenant also claims that the costs should be distributed among 23 units rather than 22 units.

MSC: To find that there are 23 units and to remand to make the technical corrections necessary to reflect the proper calculation, but to deny the other points of the appeal. (Rossoff/Hamill: 4-1; Lipski dissenting)

E. 1575 10th Avenue K001-85A

The landlord appeals the decision granting the tenants' petition on the grounds that the hearing officer abused her discretion in not dismissing an orally amended decrease in services petition. Also the landlord alleged that the Findings of Fact and Conclusions of Law were erroneous and that the tenants did not meet their burden of proof for a decrease in services.

MSC: To deny appeal. (Marshall/Hamill: 5-0)

F. 952 Sutter St. #4 K002-29R

The tenant filed an appeal on May 15, 1990 listing the case numbers for a decision issued on July 10, 1989 which she previously appealed on August 10, 1989. The remand decision referring to her withdrawal on September 13, 1989 of her previous appeal was mailed on December 29, 1989. Also mailed on December 29, 1989 was a capital improvement decision which the tenant previously appealed on January 12, 1990 and which the Board recently heard and decided.

The current appeal claims that the passthrough (presumably at issue in the Board's appeal decision on May 29, 1990) is a financial burden and that she did not include this issue in her previous appeal because she was previously not aware that hardship could be considered on appeal. Since it was unclear what decision she was appealing, the Board passed the following motion:

MSC: To continue the matter to the next meeting in order to review the correct decision in this matter.  
(Marshall/Hamill: 5-0)

G. 255 Steiner St. #601 K001-83A

The landlord appeals the hearing officer's decision granting, as modified, the tenant's petition for rent decrease. The landlord's grounds for appeal are abuse of authority, erroneous and unsubstantiated Findings of Fact and Conclusions of Law, and numerical error.



MSC: To deny the landlord's appeal and to order a clerical correction to reflect that the decision doesn't negate any properly noticed increases by the landlord.  
(Rossoff/Hammill: 5-0)

H. 411 O'Farrell St. #420 K002-27R

The tenant appeals the dismissal of her petition due to her failure to appear. The tenant alleges she did not receive notice of the hearing notice and filed the appropriate declaration as required by Board rules.

MSC: To grant the appeal and order a new hearing before a hearing officer. (Rossoff/Marshall: 5-0)

V. Communications

The Commissioners received the following communications:

- A. A postponement request for the Appeal Hearing for 9 August Alley, which had been denied by the Executive Director;
- B. A letter from the Deputy Director to the tenant of California Street regarding Remand Decision K001-99R;
- C. A letter from the tenant's attorney regarding appeal K001-79A for 1545 Sanchez Street, which was previously considered;
- D. Two memos regarding the formation of an investigation committee from President How: one to the Rent Board shop steward; and the second to the Rent Board staff;
- E. The decision on the Fillmore Street appeal hearing, which was approved and signed; and
- F. Eviction Notice Report for the months of July through November 1989 and January 1990.

VI. Appeal Hearing

9 August Alley K001-74A  
units 103, 104, 201, 204 & 303

This hearing was on debt service and repair expenses for an operating and maintenance increase. Three tenants, the landlord, and the management company representative presented their evidence and the Commissioners subsequently discussed the issues and approved the following motion:



MSC: To deny the appeal on the first issue of debt service; to remand to a hearing officer for further Findings of Fact on allowable operating and maintenance expenses for years one and two, excluding capital improvement and debt service expenses, but allowing expenses for legitimate repairs on vacant units. (Lipski/Marshall: 4-1; Carrico dissenting. President How misstated her vote.)

#### VII. Director's Report

Executive Director Grubb reported the following:

- A. Last week the Board of Supervisors Finance Committee considered the rental unit fees.
- B. This year's budget will be less than last year's budget prior to salary adjustment. There were no dissents from the Budget Analyst.
- C. The Director submitted a monthly statistical report on all petitions filed between July 1989 and May 1990.
4. Eviction Unit counselor, Doris Charles, will be out another three months.
5. The intern who worked on the outreach booklet has offered to work on it for sale purposes if the Board is interested.
6. The Director reminded the Board to send a year end review and thank you letter to the staff.

#### VIII. Old Business

- A. 731-55 Florida St. K002-78A (cont. from 5/29/90)

MSC: To uphold the hearing officer's decision and deny the appeal. (Astle/Marshall: 4-1; Carrico dissenting)

- B. 987 and 999 Hampshire K001-65A (cont. from 5/29/90)

MSC: To pass the motion of May 8, 1990 as amended on May 29, 1990. (Lipski/Marshall: 5-0)

#### IX. Calendar Items

June 19, 1990 - No meeting due to Commissioner Carrico's absence. Discussion on Rules and Ordinance changes will be rescheduled

June 26, 1990

16 appeal considerations (including 1 cont. from 6/12/90)

Old Business

Appeal Hearing: 60 Leavenworth St. #34 (cont. from 6/12/90)





July 3, 1990

8 appeal considerations (including 1 cont. from 6/12/90)

X. Adjournment

President How adjourned the meeting at 8:50 p.m.



City and County of San Francisco

Residential Rent Stabilization and  
Arbitration Board



NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.

July 3, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals

DOCUMENTS DEPT.

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY

- |  |                               |
|--|-------------------------------|
| A. 1369 Hyde St. #27 & #56<br>(cont. from 6/28/90) | K002-36R, K002-37R & K001-91A |
| B. 38 Gardenside Dr. #13                           | K002-33R (cont. from 6/28/90) |
| C. 1270 Gilman Ave.                                | K001-96A (cont. from 6/28/90) |
| D. 1715 Webster St. #203                           | K001-97A                      |
| E. 910 Geary St. #38 & #20                         | K002-01A & K002-02A           |
| F. 1778 Green St.                                  | K002-08A                      |
| G. 3627 - 23rd St.                                 | K001-98A                      |
| H. 1296 Haight St. #25                             | K001-99A                      |
| I. 1652-54 Palou St.                               | K002-04A                      |
| J. 1391 Utah St.                                   | K002-03A                      |
| K. 1040 Baker St.                                  | K002-38R                      |

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business

- A. Proposed Ordinance Amendments requested August 1989
- B. Executive Session - Government Code Section 54957  
personnel matters

- X. New Business
  - XI. Calendar Items
  - XII. Adjournment
- 0148Q





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, July 3, 1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:36 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; How;  
Schlichtmann; Stephenson.  
Commissioners not Present: Marshall; Villa.  
Staff Present: Grubb; O'Hearn.

Commissioner Rossoff appeared at the meeting at 5:40 p.m.  
Commissioners Carrico and McGoldrick appeared at 5:42 p.m..

III. Approval of the Minutes

MSC: To approve the Minutes of June 26, 1990 as corrected.  
(Stephenson/Hammill: 4-0)

IV. Consideration of Appeals

A. 1369 Hyde St. #27 & #56 K002-23R, K002-37R & K001-91A

Since this case was continued from the previous meeting, it was carried forward to the end of this agenda section to await Commissioner Carrico's presence.

B. 38 Gardenside Dr. #13 K002-33R (cont. from 6/26/90)

The tenant appeals the dismissal of his petition on the basis that he was not notified of the hearing date. He submitted a declaration to that effect noting that the Rent Board proof of service showed an incorrect zip code.

MSC: To accept the appeal and remand the case for a new hearing before a hearing officer. (Astle/Hammill: 5-0)

C. 1270 Gilman Ave. K001-96A

The landlord's agent appeals the decision on the tenant's petition on the basis that neither he nor the landlord was notified of the hearing date. The landlord's agent submitted a declaration to that effect indicating that the Board sent the notice of hearing to the wrong address.



MSC: To accept the appeal and schedule the case for a new hearing before a hearing officer. (Astle/Hammill: 5-0)

D. 1715 Webster St. #203 K001-96A

The landlord appeals the hearing officer's decision granting rent reductions to correspond with decreased housing services as follows: pest infestation - 5%; unrepaired window - 1%; unserviceable drapes - 5%; and bedroom water damage - 1%. The landlord disputes the hearing officer's findings based on the tenants' failure to tell the truth at the hearing.

MSC: To deny this appeal. (Astle/Hammill: 5-0)

E. 910 Geary St. #38 & #20 K002-01A & K002-02A

The landlord appeals these two unconsolidated decisions granting rent reductions of \$30.00 per month for both tenants due to loss of toilet paper service. The landlord failed to appear at either of the hearings.

The hearing officer denied his request for postponement of the May 2nd hearing for unit 20. Staff attempted to telephone the landlord three times on the day after the request was filed and the written denial was mailed three days later, commenting that the other landlord's agent should be designated to appear.

After the hearing for unit 38, the Board received a letter from the landlord stating that since the tenant's requests for repairs had been taken care of, there was no reason for the May 16th hearing. That tenant raised other issues in his petition which were denied by the hearing officer.

MSC: To accept both appeals and remand both cases for a consolidated hearing before a hearing officer. (Carrico/How: 5-0)

F. 1778 Green St. K002-08A

The landlord disputes the time period for the rent reduction granted by the hearing officer which exceeds one year prior to the filing of the petition by the tenant. However, the exception of long-term verifiable notice to the landlord was determined by the hearing officer based on the landlord's written notice to the tenant discontinuing use of the driveway and garage.

MSC: To excuse Commissioner Rossoff. (Astle/Stephenson: 5-0)

MSF: To deny this appeal. (McGoldrick/Stephenson: 2-3; Astle, Carrico & How dissenting.)





MSC: To accept the appeal and remand the case to the hearing officer with instructions that long term verifiable notice must come from the tenant to the landlord.  
(Astle/Carrico: 3-2; McGoldrick and Stephenson dissenting)

G. 3627 - 23rd St.

K001-98A

The landlord, who purchased the property in January 1990, appeals the decision determining rent overpayments of over \$6,000 due to null and void increases imposed since 1985. His attorney specifically objects to the tenant's ability under the Rent Ordinance to immediately offset this sum against rent payments.

MSC: To deny the appeal, but to suspend the rent withholding portion of the decision for a period of 30 days from the issuance of the notice of action on appeal.  
(Astle/McGoldrick: 5-0)

H. 1296 Haight St. #25

K001-99A

The hearing officer granted a 15% rent reduction for a decrease in housing services caused by the landlord's failure to take any significant action to control the tenants in a neighboring unit whose actions were determined by the hearing officer to be outrageous. The landlord, who did not appear at the hearing, appeals stating that he did not receive any notices from the Rent Board because they were sent to the wrong address as listed on the tenant's petition.

He submitted a supporting statement concerning his correct home and business addresses. The tenant responds by stating he used another address listed by the landlord in a letter to the tenants in 1984.

MSC: To accept the appeal and remand the case to a hearing officer for a new hearing. (Astle/McGoldrick: 5-0)

I. 1652-54 Palou Ave.

K002-04A

The landlords appeal the dismissal of their petition on the basis that they did not receive notice of the hearing date. They submitted a declaration to that effect, with supporting documentation, stating that they were on vacation for three weeks during that period.

MSC: To accept the appeal and remand the case for a new hearing before a hearing officer.  
(Astle/McGoldrick: 5-0)

J. 1391 Utah St.

K002-03A

The landlord objects to the monthly rent decrease (\$100 or approximately 15%) granted by the hearing officer for loss of housing services due to failure to perform certain repairs. On appeal he argues that there was a lack of proof of the tenant's allegations.



MSC: To deny the appeal. (McGoldrick/Stephenson: 3-2;  
Carrico and How dissenting)

K. 1040 Baker St.

K002-38R

This tenant's petition was dismissed for failure to appear or file a written excuse for non-appearance. Her appeal states that she appeared for the hearing 2 hours late, but provides no reason for the delay in her appearance.

MSC: To deny the appeal without prejudice to the tenant filing another petition. (Aslte/McGoldrick: 5-0)

A. 1369 Hyde St. #27 & #56 K002-23R, K002-37R & K001-91A

MSC: To excuse Commissioner Stephenson from consideration of this matter. (Astle/How: 5-0)

The landlord appeals the decision as to unit 27 and each of the tenants also appeal the decision. These consolidated tenant petitions each alleged unlawful rent increases. The hearing officer granted the petition for unit 27 as to the 1988 increase and denied as to the 1989 increase.

The landlord disputes the hearing officer's invalidation of the 1988 increase on the legal bases of res judicata/collateral estoppel and laches. The tenant of unit 27 disputes the hearing officer's validation of the 1989 increase.

MSC: To accept the landlord's appeal and schedule a hearing before the Board to come to a fair resolution of the anniversary date and overpayments, limiting each party to 10 minutes argument on the issues.  
(Astle/Carrico: 4-0)

MSC: To accept the appeal of the tenant of unit 27 and consolidate it for hearing on the landlord's appeal.  
(Astle/McGoldrick: 4-0)

The tenant of unit 56 had not found evidence of payment of a banked 1984 increase until 17 months after being advised to do so by a previous decision. Though the delay was not found to be the tenant's fault, the hearing officer determined that the matter was previously litigated and essentially barred by the delay.

MSC: To deny the appeal of the tenant of unit 56.  
(Astle/Carrico: 4-0)

V. Remarks from the Public

A. The landlord/appellant for 1391 Utah St. remarked on his case.



B. One of the tenant/appellants for 910 Geary St. also attempted to remark on his case, but was advised not to do so since it was still pending.

VI. Old Business

A. The Board went into Executive Session at 7:23 p.m. pursuant to Government Code Section 54957 concerning personnel matters and returned to the regular meeting at approximately 8:35 p.m.

VII. Communications

In addition to appeal documents for cases on the agenda, the Commissioners received the following communications:

A. A letter from the Rent Board shop steward;

B. A letter delivered at the meeting from the landlord's attorney concerning the 60 Leavenworth appeal hearing last week;

C. The appeal decision for 987 & 993 Hampshire Street, which was approved and signed by the Board;

D. A news article in The Recorder on July 2, 1990 regarding the court of appeal ruling in Bullock v. City and County of San Francisco; and

E. Amendments to the S.F. condominium conversion law proposed by Supervisors Alioto and Kennedy.

VI. Old Business (cont.)

B. The Commissioners reviewed and discussed draft amendments to the Rent Ordinance prepared by the Deputy City Attorney at their request last year as follows: (1) to permit de minimus errors in annual and banked rent increases; (2) to delete the separate requirement that tenants be notified what portion of rent increase reflects any banked increase from prior years; (3) to establish a mandatory time limit for filing tenant petitions contesting PG&E passsthroughs; (4) to establish a mandatory time limit for appeals, with good cause exception; and (5) to establish a statute of limitations for judicial review.

MSC: To approve the proposed amendments to the Ordinance as drafted. (Astle/Carrico: 5-0)

IX. Director's Report

A. The Executive Director reported that access to City Hall after 6:00 p.m. is now available from the Van Ness Avenue entrance, rather than the Polk Street entrance.

B. The Unreinforced Masonry Building (UMB) Task Force needs agreement from the Rent Board regarding the impact of the UMB Ordinance.



X. Calendar Items

July 10, 1990

Old Business: Rules and Regulations and Ordinance changes;  
Rent Board handbook

Reports of Alleged Wrongful Eviction: Staff summaries

July 17, 1990

8 appeal considerations

Appeal Hearing: 953 Jones St. #A (accepted 6/26/90)

July 24, 1990

4 appeal Considerations

Reports of Alleged Wrongful Eviction: Staff summaries  
UMB discussion

XI. Adjournment

President How adjourned the meeting at 9:10 p.m.







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, July 10, 1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:42 p.m.

II. Roll Call

Commissioners Present: Astle; Carrico; How; McGoldrick;  
Rossoff; Stephenson.  
Commissioners not Present: Hammill; Villa.  
Staff Present: Grubb.

Commissioner Marshall appeared on the record at 5:45 p.m. Commissioner Schlichtmann appeared on the record at 7:35 p.m. Deputy Director O'Hearn also appeared at that time.

III. Approval of the Minutes

MSC: To approve the Minutes of July 3, 1990 as corrected.  
(Astle/Stephenson: 5-0)

IV. Communications

A. There was a letter from the Water Department to the Director concerning their water penalty proposal.

B. A draft of the decision on 60 Leavenworth for review and approval was received. The decision was approved and signed.

C. Proposed Rent Ordinance amendments to conform with the McHugh decision were submitted by the Deputy City Attorney.

V. Director's Report

A. Commissioners were reminded that they must request permission from the Mayor anytime they plan to leave the State.

B. A request from the Clerk of the Board for an opinion about the new condo ordinance was received. It was decided that the Director would respond only to the issue of the impact on the Department workload (none) of the proposed change to the Rent Ordinance regarding just causes for eviction.



C. There was discussion about the Water Department letter on water penalties and what the response to the Water Department should be. It was decided that the Director would advise the Water Department that the Board opposes the imposition of penalties in cases where the abuses cannot be clearly identified. Collected penalties should be used to fund an aggressive inspection program.

VI. Consideration of Allegations of Wrongful Evictions

A. 172 Highland Ave. K002-63E

The landlord has willfully failed to comply with a prior Rent Board decision as well as apparently attempting to evict for retaliatory purposes.

MSC: To accept staff recommendation as written except to delete the word "possibly" and send a strong cautionary letter and warning to the owner. (Astle/Marshall: 5-0)

B. 4021 Irving Street K003-43E

The owner appears to have taken retaliatory action against the tenant who attempted to exercise his legal rights in connection with his occupancy.

MSC: To accept staff recommendation as written except to delete the words: "strongly-worded".  
(Astle/McGoldrick: 5-0)

C. 229 Judson Avenue K001-90E

It appears that a bad faith eviction occurred since someone other than the owner moved in shortly after the tenants vacated.

MSC: To accept the staff recommendation that the District Attorney be requested to investigate the case.  
(Carrico/Marshall: 5-0)

D. 1346 15th Avenue J003-68E

The owner appears to have engaged in a bad faith eviction based on a owner move-in which did not occur until after a subsequent tenant had moved in and then out.

MSC: To accept the staff recommendation and refer the matter to the District Attorney for investigation.  
(Marshall/McGoldrick: 5-0)

E. 1301 Fell St. K002-76E

This was put over pending further consultation with the tenants' probable attorney.



VII. Old Business

Proposed Rent Ordinance Changes

A. Effective Date of Decisions

This would establish an effective date of thirty (30) days after mailing of any decision on appeal which provides for rent offsetting by the tenant. A landlord or tenant aggrieved by any decision of the Board must seek judicial review within ninety (90) calendar days of the date of mailing of the decision.

MSC. To accept the proposed wording as drafted.  
(Astle/McGoldrick: 5-0)

B. Definition of a Tenant's Primary Residence

Discussion centered on the need for a definition of what is a tenant's primary place of residence just as there is for landlords. Commissioners requested that the City Attorney prepare draft language for the Board to this effect.

C. Banking

Commissioners discussed their desire to allow banking in a form that will not encourage annual increases and still allow for periodic banked increases to be taken that would not present undue hardships on tenants. It was agreed that the following wording should be drafted by the City Attorney:

Imposition of banked increases may be imposed at the maximum rate of 20% of the base rent in a given year.

D. Capital Improvements

Commissioners requested that wording be drafted to provide a statute of limitations on the filing of capital improvement pass throughs be limited to either 4 or 5 years from the completion of the work.

E. Rent Overpayments

After discussion to determine the method that would best serve tenant rights while not enabling "windfall" rent offsets due to overpayments, Commissioners requested that wording be drafted to effect the following:

Rent overpayments be limited to 4 or 5 years from the first year of the illegal rent increase. Wording should also include a provision that will allow the Board to exercise discretion in determining the need for special consideration to be given to the parties involved. Staff was directed to bring 2 cases where the periods of null and void increases were extensive so that comparisons of the foregoing method can be tested and the results demonstrated.



F. Substantial Rehabilitation

1. Evictions

Commissioners agreed that wording should be drafted by the City Attorney that will eliminate substantial rehabilitation as a just cause for eviction.

2. Precertification Hearings

With the issue of evictions eliminated from a precertification hearing, it may now be possible to establish precertification hearings for substantial rehabilitation exemption claims. Commissioners requested wording to this effect be drafted.

VIII. Remarks from the Public

A. Mr. Goodwin remarked on some of the Ordinance issues discussed, including rent refunds and substantial rehabilitation.

B. Ms. Nash commented on problems of owners as related to water penalties and pass-throughs of same.

IX. Calendar Items

July 17, 1990

8 appeal considerations

Appeal Hearing: 953 Jones St. #A (accepted 6/26/90)

July 24, 1990

4 appeal Considerations

Reports of Alleged Wrongful Eviction: Staff summaries  
UMB discussion

X. Adjournment

President How adjourned the meeting at 8:11 p.m.







NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.  
July 17, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals

DOCUMENTS DEPT.

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY

- |    |                           |          |
|----|---------------------------|----------|
| A. | 2210 - 48th Avenue        | K002-05A |
| B. | 1525 Willard St.          | K002-39R |
| C. | 4148 25th Street          | K002-07A |
| D. | 5636 California St. #6    | K002-09A |
| E. | 1779 - 25th Avenue        | K002-06A |
| F. | 295 Guerrero St. #7       | K002-11A |
| G. | 3625 & 3627 - 16th Street | K002-12A |
| H. | 780 Post St. #43          | K002-40R |

- VI. Appeal Hearing

6:00 953 Jones St. #A K001-88A (accepted 6/26/90)

- VII. Communications

- VIII. Director's Report

- IX. Old Business

- X. New Business

- XII. Calendar Items

- XIII. Adjournment

0367K





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, July 17, 1990 at 5:30 p.m. at City Hall, Room 282  
\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:40 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; How; Rossoff;  
Schlichtmann; Stephenson.  
Commissioners not Present: Marshall; McGoldrick; Villa.  
Staff Present: Grubb; Wharton.

Commissioner Carrico appeared on the record at 5:53 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of July 10, 1990 as written.  
(Stephenson/Rossoff: 5-0)

IV. Consideration of Appeals

A. 2210 48th Avenue K002-05A

The landlord appeals the decision granting the tenant \$425.00 (\$85.00 per month) for a decrease in services arising from the loss of use of a fireplace after the earthquake. The landlord failed to appear for the hearing despite proper advance notice. The landlord claims that the tenants failed to notify her about the nonfunctional fireplace, or in the alternative, that the tenants have engaged in various other unrelated conduct which should be offset against the rent reduction.

MSC: To deny the appeal. (Astle/Hammill: 5-0)

B. 1525 Willard St. K002-39R

This appeal is filed by the tenant, whose original petition alleged a substantial decrease in services and an unlawful rent increase. The original petition filed by the tenant in February 1990 was consolidated for hearing with a capital improvement petition filed by the landlord in November 1989 to pass through as a rent increase amounts expended in construction of a concrete retaining wall at the rear of the property.



The hearing officer's decision certified a reduced amount of \$13,000.00 for the retaining wall, found \$240.00 in rent overpayments resulting from a null-and-void rent increase, and held that service reductions equal to 3% of the base rent arose from loose stairway guard rails. The tenant appeals based upon wide-ranging allegations of errors in findings of fact, abuse of discretion, and misapplication of California law.

MSC: To deny the appeal. (Carrico/Astle: 5-0)

C. 4148-25th Street K002-07A

This appeal is filed by the landlord after a decision determined rent overcharges of \$343.20 incurred in March 1990. The overcharges arose after the landlord increased the rent based on the landlord's contention that the tenant had vacated the premises during his attendance at a business training program for several months in Southern California. The appeal contends that the tenant vacated the premises under Section 6.14 of the Rules and Regulations, thus allowing imposition of market rent because he has sublet the unit.

MSC: To deny the appeal. (Stephenson/Rossoff: 4-1; Carrico dissenting)

D. 5636 California St. #6 K002-09A

This appeal is filed by the landlord from a decision on appeal remand which granted the tenant rent reduction reimbursement of \$4,839.88 based upon a substantial decrease in services, and prohibited an annual rent increase pending completion of repairs to a non-operational bathroom skylight window, a bedroom wall hole, a defective bedroom heater, and living room windows with related floor, curtain, and carpet damage. The appeal is based upon the landlord's claim of non-receipt of notice for the March 19, 1990 hearing.

MSC: To accept the appeal and remand the case for another hearing; if neither party shows up, the original remand decision stands. (Carrico/How: 5-0)

E. 1779 25th Avenue K002-06A

The landlord appeals a decision granting the tenant \$952.50 for a substantial decrease in services caused by the landlord's failure to abate rat infestation for a one-year period. The landlord contends that the hearing officer overlooked or ignored the fact that adequate pest control efforts were made.

MSC: To deny the appeal. (Stephenson/Astle: 4-1; Carrico dissenting)

F. 295 Guerrero St. #7 K002-11A

The landlord appeals a decision finding a substantial decrease in services for pest infestation, lack of front gate security, lack of  
0378K



operating buzzer-doorbell, and lack of sanitary garbage area, granting rent reductions for decreased services beginning in March 1986, and authorizing an ongoing reduced base rent pending restoration of services. The landlord claims lack of timely notice of the hearing, asserts the provision of ongoing pest control services, and denies other factual allegations made by the tenant on which the decision was based.

Following discussion, the Commissioners agreed to continue the matter for one week to allow the landlord to provide the envelope to document proof of the mis-addressed notice.

G. 3625-27 16th Street K002-12A

The landlord appeals a decision denying rent increases based on increased operating and maintenance costs due to inadequate documentation of costs and proof of payments. The appeal alleges abuse of discretion in limiting the length of the post-hearing open record period, and failure to rely on substantial evidence submitted, and other information which subsequently became available.

MSC: To deny the appeal without prejudice to file another petition. (Carrico/How: 5-0)

H. 780 Post St. #43 K002-40R

The tenant appeals a dismissal upon remand of a tenant petition alleging a substantial decrease in services. At the original hearing, the landlord failed to appear. Neither party appeared at the remand hearing. The appeal alleges that the landlord's original appeal was not timely filed, and that the tenant's notice for the remand hearing was not received, due to a private mail-forwarding arrangement.

MSC: To remand the case for another hearing; if both parties don't appear, the original decision will stand. (Astle/Hammill: 5-0)

VI. Appeal Hearing

953 Jones St. #A K001-88A

The appeal hearing began at 6:35 p.m. Appearing were the tenant, John M. Balph, and the landlord, Shuck Quan. Representing the landlord was his daughter, Betty Quan Chopoff. The hearing was scheduled to permit additional proof on the issue of comparables. When the tenant moved in in 1986, there was a communal living situation with the landlord and his family. Recently, the premises have been remodeled, and the tenant now has a 1-1/2 bedroom apartment. The landlord testified as to comparable rents in the area for such units.

The Commissioners invited the parties to fix a fair rent for the unit as it now is, taking into account the comparables provided and the 0378K





long-term tenancy in these circumstances. The parties declined to do so, indicating their confidence in any decision the Commissioners might make, and their belief that future relationships would be more positive if the Commissioners made the decision.

After the hearing was closed, and the Commissioners voted, given the special relationship of the parties and the unique circumstances of this case, to set the base rent at \$300.00 effective as of August 1, 1990. The tenant shall pay utilities; no additions or adjustments other than these shall be made retroactively to rent paid before August 1, 1990, which becomes the new anniversary date for future rent increases.

MSC: To set the rent at \$300.00 per month, plus utilities, effective August 1, 1990. (Carrico/Astle: 5-0)

VII. Communications

The Executive Director wrote Supervisor Britt on July 17, 1990 concerning five proposed changes to the Rent Ordinance.

VII. Director's Report

The Director provided "Null and Void Case Examples" prepared by the Deputy Director, and a "Monthly Report for All Petitions."

IX. Old Business

It was reiterated by the Commissioners that "Remarks from the Public" be scheduled both early in the meeting and after the Director's Report.

XI. Calendar Items

July 24, 1990

4 appeal considerations  
Eviction case summaries  
UMB discussion

XII. Adjournment

The meeting was adjourned by President How at 7:35 p.m.





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, July 24, 1990 at 5:30 p.m. at City Hall, Room 282  
\*\*\*\*\*

I. Call to Order

Commissioner Carrico called the meeting to order at 5:40 p.m.

II. Roll Call

Commissioners Present: Astle; Carrico; Hammill; Rossoff;  
Schlichtmann; Stephenson.  
Commissioners not Present: How; Marshall; Villa.  
Staff Present: Grubb; Wicks.

Commissioner McGoldrick appeared on the record at 6:08 p.m.  
Commissioner Rossoff went off the record at 7:58 p.m., and  
Commissioners Astle and Schlichtmann went off the record at 8:03 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of July 17, 1990, as written.  
(Astle/Stephenson: 4-0)

IV. Remarks from the a Public

A. William Bayma, tenant-appellant from last week's case at  
1525 Willard, expressed several concerns about the process involved in  
denying his appeal;

B. Larry Kohe, landlord-petitioner from last week's 3625-27  
16th Street case, commented on the Board's ruling that denied his  
appeal but would allow him to refile without prejudice.

V. Consideration of Appeals

A. 81 29th St. K002-14A

The landlord appealed the dismissal of her petition for nonappearance.  
She provided a signed Declaration of Nonreceipt of Notice of Hearing,  
stating that she had not received notice and was unable to trace it  
through the post office.

MSC: To accept the appeal and remand the case to a hearing  
officer for a new hearing. (Astle/Hammill: 4-0)

B. 874 Washington St. #102 K002-42R

A tenant appealed the dismissal of his decreased services petition which alleged the landlord had taken away use of a "dead end" hallway area which the tenant used for storage and entertaining. The hearing officer found that there was no substantial decrease in service since the tenant did not pay rent for the area, it was used at the landlord's sufferance, and it was accessible to and shared by other tenants.

MSC: To uphold the hearing officer and deny the appeal.  
(Hammill/Astle: 4-0)

C. 1530 Jones St. K002-13A

The landlord appealed the disallowance of one capital improvement in a petition where other costs were certified. On appeal the landlord provided documentation to support this cost.

MSC: To excuse Commissioner Rossoff from this consideration.  
(Astle/Hammill: 4-0)

MSC: To accept the appeal and remand the case for a technical correction of dates noted on appeal and for review of the capital improvement at issue.  
(Astle/Hammill: 4-0)

D. 199 Sweeney K002-41R

A tenant petition for unlawful rent increase was dismissed for the tenant's failure to appear. On appeal the tenant indicated that he had been called on a work emergency. He believed the matter would be rescheduled after he explained his situation to a Rent Board staff member.

MSC: To deny the appeal without prejudice to refile.  
(Astle/Hammill: 4-0)

#### VI. Old Business

A. 295 Guerrero, #7 (K002-11A), continued to 7/24/90 from 7/17/90, was inadvertently left off the Agenda. It will be reset for 7/31/90;

B. David Prowler from the Unreinforced Masonry Building (UMB) Taskforce spoke at length to the Board about the work of the Taskforce and the various competing interests that must be considered in achieving seismic upgrading. Of the 2,000 UMB properties in San Francisco, approximately 20,000 dwelling units--8% of the residential housing--would be involved in seismic upgrading. Mr. Prowler stated that landlord-tenant issues would be the Taskforce's topic during August 1990. He asked the Commissioners for their input so that the Taskforce can take their concerns into consideration. The Board decided to calendar a separate agenda item for the next few weeks to solicit public comment.

VII. Communications

The Commissioners received the following communications:

A. A letter from the landlord's attorney for 345 Fulton (L001-01A) asking for a postponement, because of his unavailability, from the consideration set for 7/31/90. However, as no parties need attend considerations, the request was denied; staff will explain to the attorney.

B. A communication to the Board from staff member Ernestine Cade;

C. An issue paper on unreinforced masonry buildings;

D. Draft decisions for 952 Sutter, which will be reviewed at the July 31, 1990 meeting.

VIII. Director's Report

Executive Director Joe Grubb reported to the Commissioners on the following:

A. The Rental Unit Fee funding proposal again before the Board of Supervisors;

B. Statistics for the Rent Board from its inception through fiscal 1989.

IX. Consideration of Allegations of Wrongful Eviction

A. 295 Guerrero St. #7                      K003-13E

During this six year tenancy, the tenant and two successive landlords have been involved in several disputes before the Rent Board, where the tenant has prevailed on habitability issues. Recently the landlord served a vague, totally defective termination notice "for personal use." The landlord did not respond to Eviction Unit inquiries and information requests. After the tenant prevailed on a recent decreased rent petition, the owner--who clearly received the decision--sent a 3-day notice for nonpayment, for an amount greater than either the original rent or that decreased pursuant to the tenant's petition. In summary, the landlord has not provided mandated services; has given several illegal increases; and has attempted several terminations, including both of these improper attempts at issue.

Recommendation: To write a cautionary letter to the landlord, strongly suggesting he inform himself of and adhere to the provisions of the Ordinance and Rules, including those relating to evictions. To monitor.

MSC:            To accept staff recommendation. (Astle/Hamill: 4-0)

B. 4921 California St. #4 K002-70E

The tenant has lived in one of four units in the building for eleven years under the same ownership. Six rent increases for the past eight years were invalidated by the hearing officer, including a 1989 increase of 28%, which was accompanied by a suggestion that the tenant move if he didn't want to pay that increase. Several similar notices were sent, with the landlord apparently believing that his moving into the property immediately decontrolled the building. The landlord rescinded the notices and has been instructed by his attorney on the relevant law and proper procedures.

Recommendation: Although the landlord has clearly acted improperly in various aspects of the Ordinance, it seems he has been educated. The Eviction Unit should continue to monitor the matter to assure future compliance.

MSC: To accept staff recommendation. (Astle/McGoldrick: 4-0)

C. 775 Sanchez St. K002-50E

In 1978 the tenants took up residence in this two-unit building. Several months later one of the tenants was hired as the elderly landlady's chauffeur and aide. Upon her death in 1988, the trustees--her sons--decided to continue the tenant's employment for approximately one year. Shortly before the end of this relationship, the landlords asked for a rent increase from \$400 to \$1000. Because one of the tenants has AIDS, they did not wish to move and agreed to the increase. When an additional \$200-300 for the garage and another \$1,000 for deposits were demanded, the tenants refused. One of the landlords said he would move his daughter in if they didn't pay the increase. After the tenants called BBI and the landlords were cited for a code violation, one of the owners apparently threatened to evict them for "calling the government on me."

Not long after, the tenants received a termination notice for occupancy of one owner's daughter and fiance. The daughter had not seen the apartment, and the notice was served both after the landlords received the BBI citation and after the tenants' Rent Board hearing. The smaller unit in the building receives a rent twice that paid by the subject tenants.

Recommendation: To write the owners a strong cautionary letter stating that the Commissioners will consider referring the matter to the District Attorney if the owners pursue the eviction.

MSC: To accept staff recommendation. (Astle/Hammill: 4-0)

D. 542 Buena Vista West #1 J004-20E

The landlord and tenant in this case have a long history of conflict, with numerous Rent Board and Small Claims Court cases--as well as an Unlawful Detainer case--all won by the tenant. Recently the landlord attempted to terminate tenancy for an unapproved roommate, but was



unable to offer evidence to support the allegation.

Currently the tenant paid the rent one month after the due date but allegedly within the time period before a late fee could be assessed. The landlord argued that a late fee was due (\$10) and has continued to add an additional \$10 late fee each month for failure to pay the first late fee, still in dispute.

Recommendation: To write the landlord informing him of the error in the late fee issue and advising him that the matter will be monitored because of a history of questionable actions by the landlord.

MSC: To adopt staff recommendation. (Astle/McGoldrick: 4-0)

IV. Remarks from the Public (cont.)

C. Michael Harney from the Tenants Union spoke about tenant concerns for inconvenience and cost of seismic upgrading; he asked the Director to furnish the Commissioners with copies of a tenant position paper given him on this topic.

D. Al Goodwin told the Board that he believes the impact on both tenants and landlords from seismic upgrading will be far greater than the UMB Taskforce estimates.

X. New Business

Commissioner Carrico asked about providing the public with a sample notice for Rules and Regulations Section 6.14 rent increases. The Commissioners will discuss the topic at their August 7, 1990 meeting.

XI. Calendar Items

July 31, 1990

4 appeal considerations (including 1 cont. from 7/17)

Appeal Hearing

6:00- 1369 Hyde #27 K002-36R & K001-91A (acctpt. 7/3/90)

Old Business

A. UMB Public Response

B. 952 Sutter (K001-43A & K001-78R through K001-93R)

August 7, 1990

4 appeal considerations

UMB Public Response

Old Business

A. Rules and Regulations Changes

B. Rules and Regs. 6.14 sample notice

XII. Adjournment

Commissioner Carrico adjourned the meeting at 8:10 p.m.







NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

July 31, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals

DOCUMENTS DEPT.

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY

- A. 295 Guerrero St. #7
- B. 345 Fulton St. #54
- C. 701 Pine St. #1
- D. 1014 Scott St.

K002-11A (cont. from 7/17/90)  
L001-01A  
L001-02A  
L001-03A

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions

- IX. Old Business
- Unreinforced Masonry Buildings - Public Comment

- IV. Remarks from the Public (cont.)

- X. New Business

- XI. Appeal Hearing

- 6:00 1369 Hyde St. #27  
(accepted 7/3/90)

K002-36R & K001-91A

- XII. Calendar Items

- XIII. Adjournment

0210Q





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, July 31, 1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

I. Call to Order

Vice-President McGoldrick called the meeting to order at 5:40 p.m.

II. Roll Call

Commissioners Present:	Marshall; McGoldrick; Rossoff; Schlichtmann; Stephenson; Villa
Commissioners not Present:	Astle; Carrico; Hammill; How;
Staff Present:	Grubb; Lim.

Commissioner Stephenson went off the record at 7:55 p.m.  
Commissioner Rossoff went off the record at 7:56 p.m.  
Commissioner Marshall went off the record at 8:40 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of July 24, 1990, as written.  
(Rossoff/Schlichtmann: 5-0)

IV. Consideration of Appeals

A. 295 Guerrero St. #7 K002-11A

The landlord appeals a decision granting the tenant a rent reduction for decreased services. The landlord also requests a continuance of two weeks for this appeal consideration.

MSC: To deny the appeal. (Rossoff/Schlichtmann: 5-0)

B. 345 Fulton St. #54 L001-01A

The landlord appeals the decision which found that the tenant had received an unlawful rent increase upon re-occupancy of her unit after earthquake repairs were completed. The landlord alleges non-receipt of the hearing notice.

MSC: To remand the case for a hearing before another hearing officer. (Rossoff/Marshall: 5-0)



C. 701 Pine Street #1

L001-02A

The landlord appeals the decision of the hearing officer granting a reduction in rent for the loss of a storage locker.

MSC: To deny the appeal. (Marshall/Rossoff: 5-0)

D. 1014 Scott St.

L001-03A

The landlord appeals the decision which granted a rent reduction to the tenant for a ceiling leak and resultant water damage. The landlord asserts an incorrect finding on the date when the leak began.

MSC: To deny the appeal. (Marshall/Villa: 5-0)

V. Communications

The Commissioners received the following communications:

A. A fax request for continuance of an appeal consideration for 295 Guerrero St. #7;

B. A letter from the Tenderloin Housing Clinic addressed to David Prowler regarding Unreinforced Masonry Building issues;

C. A letter from the Water Department regarding the penalty issue for excess water use; and

D. Decisions for Board signature for 952 Sutter Street and 953-A Jones Street. All were approved for signature.

VI. Director's Report

Executive Director Joe Grubb reported to the Commissioners that the Board of Supervisors passed the Rental Unit Fee at \$4.00 instead of the proposed \$8.00, which means that the agency's budget will be divided between special funds and general funds.

VII. Appeal Hearing

1369 Hyde St. #27

K002-36R & K001-91A

MSC: To excuse Commissioner Stephenson from the hearing.  
(Rossoff/Schlichtmann: 5-0)

After Vice-President McGoldrick swore in all parties, speakers from both sides were limited to a ten minute presentation before the Board. After some questions from Board members to the parties present, the hearing was closed and the Board discussed issues in the case. The matter will be continued to next week to obtain figures from the staff for rent overcharge and null and void amounts. The anniversary date issue will also be continued to next week.



VIII. Old Business

David Prowler from the Unreinforced Masonry Building (UMB) Taskforce spoke again to the Board about the proposed recommendations that the Taskforce will be making regarding seismic retrofitting. It is anticipated that retrofitting for the most dangerous UMB will be done within a 13 year period. The Taskforce is recommending that a level C retrofit be done on residential buildings. This would require bolting walls to ceilings and installing vertical wall stiffeners. Mr. Prowler explained the timeframe of the various City agencies and decision making bodies involved in this issue. He also explained the factors used in targeting the most dangerous buildings. Mr. Prowler expressed the need to obtain input from the Board within the next two weeks.

IX. Remarks from the Public

A. Michael Harney from the Tenants Union spoke regarding seismic upgrading issues. He requested that a tenant inconvenience plan be developed prior to any work beginning. Mr. Harney proposed an expedited hearing process for decreases in service as a result of seismic retrofit work. He also urged that relocation expenses be increased given the elderly and low/fixed income population residing in UMB locations. Lastly, he recommended that the 10% limit on Capital Improvements be tightened up with regard to retrofit costs, but offered no specifics.

B. Gen Fujioka, from the Asian Law Caucus and author of a letter from the Tenants' Coalition for Seismic Safety, emphasized the impact of retrofitting on residential hotel tenants. He also recommended a summary or expedited procedure for some issues such as no utilities during the retrofit process. Mr. Fujioka expressed concern over "soft costs" of seismic retrofitting which may not fall within capital improvements but would qualify as operating and maintenance (O & M) expenses. The impact on tenant rents could potentially include O & M increases. He responded to a question from the Board regarding projected displaced tenants who don't return to their units. The LA experience showed a 25% vacancy rate. Lastly, Mr. Fujioka hoped that owners would take advantage of any assisted financing provided by the government. If owners do so, Fujioka urged that interest rate recapture under Capital Improvements be limited to the assisted rate. If owners choose to elect market rate financing, they should then bear the extra expense rather than the tenants.

C. Sarah Canorchan, from the Tenderloin Housing Clinic, expressed concerns over evictions which might occur from seismic retrofitting and urged the Board to forbid evictions on that basis. She would support a formula which would pass seismic costs in a higher proportion to commercial tenants, since they have a greater base with which to spread any increased rents. In contrast, any increased rents would remain with a residential tenant. Commissioner Rossoff asked Ms. Canorchan to develop a formula to present to the Board.





D. Bob Jacobs, Executive Secretary of the San Francisco Hotel Association, expressed the concerns of his membership, particularly of residential hotel owners in the Tenderloin. He also indicated problems which might occur if the Hotline Program is eliminated and owners are then required to do seismic retrofitting.

E. Theresa Sheehan, of the North of Market Planning Coalition, raised the idea of giving a tax credit to owners who retrofit, either in the nature of a local property tax credit or a deduction.

F. Al Goodwin expressed his concerns regarding the permit issuance process and engineers who may be unwilling to stand behind level C work, in favor of level D work. Mr. Goodwin also informed the Board of possible problems with requiring assisted loans rather than market rate loans because of common government requirements that contractors be hired at prevailing wages. He also urged flat amounts for reduction in services rather than percentage figures.

Commissioner McGoldrick then asked a number of questions of David Prowler regarding topics raised by many of the speakers.

X. New Business

Vice-President McGoldrick asked the staff to prepare a summary of the public comments in response to the UMB Taskforce recommendations.

XI. Calendar Items

August 7, 1990

4 appeal considerations

Old Business

- A. UMB Public Response
- B. Sample Notice under Rule 6.14
- C. Executive Session: Personnel Matters

August 14, 1990

Rules and Regulations Changes only

XII. Adjournment

Vice-President McGoldrick adjourned the meeting at 8:50 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

August 7, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals
  - A. 717 Brazil St. L001-04A
  - B. 49 Fountain St. L001-05A
  - C. 2620 Laguna St. #2 L001-06A
  - D. 574 Grove St. #A L001-07A
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- 6:00 A. Unreinforced Masonry Building Discussion
- B. Sample Notice under Rule 6.14
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Calendar Items
- IX. Old Business (cont.)
  - C. Executive Session - Govt. Code Section 54957
  - Personnel Matters
- XII. Adjournment





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, August 7, 1990 at 5:30 p.m. at City Hall, Room 282

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:31 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; How; Rossoff;  
Schlichtmann; Stephenson; Villa.  
Commissioners not Present: Marshall; McGoldrick.  
Staff Present: Grubb.

Commissioner Carrico appeared on the record at 5:40 p.m.  
Commissioner Schlichtmann went off the record at 5:45 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of July 31, 1990 as written.  
(Astle/Hammill: 5-0)

IV. Remarks from the Public

Sarah Carnochan from the Tenderloin Housing Clinic spoke about UMB issues and suggested the following standards for UMB work be incorporated into the Rent Board rules or Ordinance;

- 1) Require that interest pass throughs be based on lowest rate available;
- 2) Limit total of all increases to 10% (Including O&M and PG&E increases);
- 3) Or limit only Capital Improvement pass-throughs to 5%;
- 4) Relocation
  - A) When relocated out of the building, the tenant be paid up front on a per diem rate that would equal the rate of a decent and reasonable hotel.
  - B) Have owners estimate time out and pay that amount up front with extensions to be equally compensated.



5) Cost of Move

A) Cost of packing as well as move be paid by owner; or, pay a flat amount to tenant if no mover used.

6) Proof of payment to be verified by BBI (permit contingent upon payment);

7) Notices in native languages;

8) Staged moves within the building;  
Standardized rent reductions;  
Expedited hearings.

A written statement to this effect would be forthcoming to the Board.

V. Consideration of Appeals

A. 717 Brazil Ave.

L001-04A

The hearing officer granted a monthly rent reduction of \$75 for the loss of use of garage beginning in October 1989. In 1986 the landlord attempted to charge the tenant \$75 per month for use of the garage which she had enjoyed since 1979. The landlord appeals on the basis that the hearing officer was biased. The landlord also argues that the value of the garage should be no more than \$25 per month.

MSC: To remand for a hearing before the same hearing officer only on the issue of Rule 10.10(a) to determine if any consideration had been paid when the tenant began to use the garage. (Stephenson/Astle: 5-0)

B. 49 Fountain St.

L001-05A

The landlord withdrew his appeal after the hearing officer made clerical/numerical corrections to the decision.

C. 2620 Laguna St. #2

L001-06A

The landlord appeals the hearing officer's decision granting a tenant petition for a 5% rent decrease. The landlord, who did not appear at the hearing until 16 minutes after it started, believes that the hearing officer and tenant had private discussions about the case prior to the landlord's appearance. The hearing officer states that the landlord was given full opportunity to present evidence, as well as two weeks following the hearing to review or submit any documents.

MSC: To deny the appeal. (Astle/Hammill: 5-0)





D. 574 Grove St. #A

L001-07A

The landlord argues on appeal that the loss of garbage service should warrant a \$12.50 decrease rather than \$15.00 as determined by the hearing officer. He also disputes any decrease for loss of heat since the tenant never had heat.

MSC: To excuse Commissioner Rossoff. (Astle/Carrico: 5-0)

MSC: To deny the appeal. (Hammill/Stephenson: 4-1; Carrico dissenting)

#### VI. Communications

A. Memo from Ms. Cade stating that staff would not appear this evening as requested due to conflicts.

B. 1369 Hyde figures from staff.

MSC: To continue at next meeting. (Astle/Carrico: 5-0)

C. Letter by mail to Commissioners from the Shop Steward.

#### VII. Director's Report

A. The Deputy Director and Deputy City Attorney will be on vacation for 2 weeks starting next Monday.

B. The Board will be able to start meeting at 25 Van Ness in the basement, possibly as early as next week. A notice will be sent with the Minutes if it is possible. A security guard will be in the lobby to direct attendees.

C. The Deputy Director provided draft "Rent Decrease Standards" as requested.

#### VIII. Old Business

A. After some discussion on staff recommendations to the Seismic Task Force, the following motion was made: Unreinforced Masonry Building Discussion

MSC: To adopt staff recommendations. (Astle/Carrico: 5-0)

Kim Kirco from Old St. Mary's spoke about the UMB ordinance and the need for input from the various departments to the Board of Supervisors.

B. Rule 6.14

Commissioners requested that staff develop a form for Rule 6.14. to

Commissioner Carrico will forward his forms to the staff.



IX. New Business

The Commissioners discussed a possible retreat. The Director will investigate the options.

X. Calendar Items

August 14, 1990

Ordinance, Rules and Regulations changes

Old Business

August 21, 1990

2 appeal considerations

XI. Adjournment

President How adjourned the meeting at 7:30 p.m.

NOTE: The Commission will soon begin meeting on a permanent basis at 25 Van Ness in the Art's Commission meeting room in the basement. This will probably become effective as of the first September meeting. Notice will be given as soon as it is confirmed, the Board will still meet at its regular time of 5:30 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

August 14, 1990

\*\*\*\*\*

City Hall, Room 282

\*\*\*\*\*

AGENDA

\*\*\*\*\*

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Remarks from the Public

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

IX. Old Business

- A. 1369 Hyde St. #27 (heard 7/31) K001-91A & K002-36R
- B. 455 Hyde St. #42 K001-95A (considered 6/26/90)
- C. Proposed Rules and Regulations Changes
- D. Proposed Ordinance Changes

IV. Remarks from the Public (cont.)

X. New Business

XI. Calendar Items

XII. Adjournment

DOCUMENTS DEPT.

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, August 14, 1990 at 5:30 p.m. at City Hall, Room 282  
\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:40 p.m.

II. Roll Call

Commissioners Present: Astle; How; Marshall;  
Rossoff; Schlichtmann;  
Stephenson; Villa.  
Commissioners not Present: Hammill.  
Staff Present: Grubb

Commissioners Carrico and McGoldrick appeared on the record at  
5:42 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of August 7, 1990 as written.  
(Astle/Rossoff: 4-0)

IV. Communications

A copy of the fee legislation was sent to each Commissioner.

V. Director's Report

The Commission will be able to meet at 25 Van Ness, Lower Level,  
Suite 70, starting August 21, 1990.

VI. Old Business

A. 1369 Hyde St. #27 K001-91A & K002-36R (heard 7/31)

MSC: To excuse Astle, Carrico, Stephenson, How.  
(Astle/Carrico: 5-0)

MSC: To accept Table 2 calculations as the basis for  
determining the rent overpayments and correct rent.  
(Rossoff/Schlichtmann: 5-0)





B. 455 Hyde St. #42

K001-95A (considered 6/26/90)

MSC: To have the hearing officer render a decision on the remand hearing in conformance with the Rent Ordinance and Rules and Regulations. The Hearing Officer shall prepare a separate calculation of rent overpayments for informational purposes only.  
(Astle/Marshall: 5-0)

C. Proposed Rules and Regulations Changes

1. Repair Costs for Vacant Units

Commisisoner Marshall suggested wording be drafted to exclude repair costs for vacant units from O&M petitions. Commissioner Marshall agreed to work on wording.

2. Debt Service

3. Increases in Income

4. Removal of Cap on Operating and Maintenance

5. Amortization Schedule

6. Capital Improvements and Precertification Hearings

Commissioners, after some discussion, agreed to drop these issues two through six from further consideration.

7. Standard Rent Decreases

Concerns were expressed about the relationship of the problem and the award and the fairness of the award given. Percentages versus ranges and their merits were also discussed. The Director suggested that the hearing officers meet and discuss the issue and see if they can establish a standard. Commissioner Carrico stated that he would like to see a standard set for heat conversions. He would like to have the hearing officers discuss this issue. Commissioner McGoldrick requested that the staff keep track of cases remanded due to decrease in services awards.

8. Pre-Certification Hearings and Habitability Issues

Commissioner Astle will work on wording for pre-certification hearings on habitability issues involving substantial rehabilitation cases.

9. Caps on Total Pass-Through Amounts

Commissioner Astle stated that she would begin working on an overall cap for all pass throughs.



D. Ordinance Changes

Definition of Tenants

Commissioners agreed to drop this issue from further consideration.

VII. Remarks from the Public

Al Goodwin suggested that master tenants not be allowed to collect more rent from sub-tenant than is charged by the landlord and that the money be forwarded to the owner. The Board asked that the Deputy Director work on this when she returns. O&M changes with regard to vacant units would create major accounting problems for landlords. He suggested standard deductions be a combination of percentages and dollar figures. He expressed a concern that the unreinforced masonry buildings may not be upgraded if it is made too difficult to pass through costs. Also he was concerned that Ordinance discussions should be renoticed for public hearing.

VIII. Calendar Items

August 21, 1990

2 appeal considerations

August 28, 1990

No meeting scheduled

IX Adjournment

President How adjourned the meeting at 8:32 p.m.

NOTE: NEW MEETING LOCAITON

As of August 21, 1990 the Board will begin meeting on a regular basis at the following Address:

25 Van Ness (at Market)  
Lower Level, Suite 70  
5:30 P.M.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.

August 21, 1990

\*\*\*\*\*

25 Van Ness Avenue, Suite 70, Lower Level

\*\*\*\*\*

AGENDA

\*\*\*\*\*

I. Call to Order

II. Roll Call

III. Approval of the Minutes

IV. Remarks from the Public

V. Consideration of Appeals

A. 163 Westgate L001-08A  
B. 1835 Vallejo, #406 L001-09A

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

IX. Old Business

A. Proposed Rules and Regulations Changes  
B. Proposed Ordinance Changes

IV. Remarks from the Public (cont.)

X. New Business

XI. Calendar Items

XII. Adjournment

DOCUMENTS DEPT.

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY

\*\*\*\*\*  
NOTICE NOTICE NOTICE NOTICE NOTICE NOTICE  
\*\*\*\*\*  
PLEASE NOTE: NEW MEETING LOCATION IS EFFECTIVE AS  
OF AUGUST 21, 1990  
\*\*\*\*\*

1977A





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, August 21, 1990 at 5:30 p.m. at  
25 Van Ness Avenue, Suite 70, Lower Level

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; How; Rossoff;  
Schlichtmann; Stephenson; Villa.  
Commissioners not Present: Marshall; McGoldrick.  
Staff Present: Grubb

Commissioner Carrico appeared on the record at 5:42 p.m.

III. Approval of the Minutes

MSC: To amend the minutes as follows:

VI. C.1, page 2, to delete Commissioner Carrico's name  
from this item; and,

VI. D. page 3, "Definition of Tenants" to show that  
this issue was dropped from further consideration.  
(Astle/Rossoff: 5-0)

IV. Appeal Considerations

A. 163 Westgate L001-08A

The landlord appeals the hearing officer's decision granting  
rent decreases due to the failure to repair a chimney, defective stairs  
and loss of storage area.

MSC: Remand for a finding regarding the storage space and  
whether it was a bargained-for service and whether or  
not the fireplace was repaired in a timely manner.  
Page 4, item 4, line 16, "Pest Control and  
Extermination", is to be reworded to state that,  
"pest-free housing service is a fundamental requirement  
of habitability."  
(Carrico/Astle: 5-0)





B. 1835 Vallejo, #406

L001-09A

The landlord representative appeals the hearing officer's decision, granting rent decreases for lukewarm water and allegedly using erroneous figures to establish allowable rent increases.

MSC: To accept the case on appeal only to hear argument as to whether or not the lukewarm water issue constitutes a decrease in services; whether or not the 1983 amounts paid are correct; and to deal with the refund as to the correctness of the amount granted.  
(Carrico/Astle: 4-1, Stephenson Dissenting)

V. Communications

1. President How received a Memo from Deputy Mayor Carol Wilkins regarding required department budget cuts of 2 percent.

2. A copy of the letter from the Tenants' Coalition for Seismic Safety dated July 12, 1990 to David Prowler was provided for the Commissioners.

VI. Director's Report

A. Information regarding the use of rent decrease standards in Santa Monica was presented.

B. The new hearing officer is Sheila Dolan who will start September 4, 1990.

C. The Mayor's Office is mandating a 2% budget reduction in all departments in order to offset State cuts. This will be achieved through salary savings in the department.

D. The Hetch Hetchy retreat facility is too austere according to the Mayor's Office. Other alternatives are being considered for the Commisisoners' proposed retreat.

VII. Old Business

A. Proposed Rules and Regulations Changes

1. Limitation of Certain Rent Increases

Commissioner Astle offered wording for limiting rent increases to no more than market rate. Suggestions were discussed and the matter will be discussed with the Deputy Director when she returns.

2. Habitability Issue

Commissioner Astle indicated that she would not be able to go forward on this matter without assistance. Commissioner Carrico offered to help and it was decided to work on it after the election.



VIII. New Business

A. Commissioners stated that issues concerning the Gonzalez Amendment and its applicability to relatives versus non-relatives is not clear and requested staff to instruct the public accordingly.

B. It was also requested that clarification with the staff be made with respect to the fact that filing a notice of alleged wrongful eviction at the Board does not stay any eviction notice.

C. Commissioners could not confirm the policy that unpaid accrued interest on deposit is compounded if it is not paid annually. The matter will be discussed with the Deputy Director upon her return.

IX. Calendar Items

August 28, 1990

No meeting

September 4, 1990

4 appeal considerations

1 appeal hearing

X. Adjournment

President How adjourned the meeting at 6:50 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.

September 4, 1990

\*\*\*\*\*

25 Van Ness Avenue, #70, Lower Level

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals

DOCUMENTS DEPT.

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY

- |    |                            |                              |
|----|----------------------------|------------------------------|
| A. | 2090 Broadway, #304 & #604 | L001-02R & L001-01R          |
| B. | 2121 Pierce Street         | L001-03R                     |
| C. | 3245 -25th Street          | L001-04R, L001-05R, L001-06R |
| D. | 1471 Washington St. #302   | L001-07R                     |

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Appeal Hearing
- XII. Calendar Items
- XIII. Adjournment

\*\*\*\*\*  
NOTICE NOTICE NOTICE NOTICE NOTICE NOTICE  
\*\*\*\*\*  
NEW MEETING LOCATION -SEE ABOVE  
\*\*\*\*\*





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD  
Tuesday, September 4, 1990 at 5:30 p.m. at 25 Van Ness Avenue #70  
\*\*\*\*\*

I. Call to Order

Commissioner Astle called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Astle; Marshall; Rossoff;  
Stephenson.  
Commissioners not Present: Carrico; Hammill; Schlichtmann;  
Villa  
Staff Present: Grubb; Pickman-Thoon.

Vice President McGoldrick appeared on the record at 5:39 p.m.  
President How appeared on the record at 5:42 p.m. Commissioner Rossoff  
left the meeting at 5:50 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of August 28, 1990 as written.  
(Rossoff/Marshall: (5-0)

IV. Consideration of Appeals

A. 2090 Broadway #304 L001-01R  
2090 Broadway #604 L001-02R

MSC: To excuse Commissioner Rossoff from consideration of  
this appeal, and from consideration of the appeals for  
2121 Pierce Street and 3245 25th Street.  
(Astle/McGoldrick: 4-0)

Therefore, the Commissioners took the remaining appeal out of order.

B. 1471 Washington Street L001-07R

The tenant appeals the decision denying a petition alleging a  
substantial decrease in services and a failure to repair and maintain.  
The tenant asserts 1) that evidence presented at the hearing was  
omitted, 2) errors in the findings of fact, and 3) that the Conclusions  
of Law were illogical.

MSC: To deny the appeal. (Astle/Rossoff: 5-0)





- A. 2090 Broadway #304 L001-01R (cont.)  
2090 Broadway #604 L001-02R (cont.)

Two tenants appeal the decision certifying a total monthly capital improvement passthrough of \$46.62 for each of their units. The tenant of unit #304 appeals because she does not believe that tenants should have to pay for the owner's costs. Two other tenants also signed this appeal.

The tenant of unit #604, appeals asserting that there is water seepage and that her base rent should be \$936.44 per month, not \$980.98 as stated in the decision. The landlord indicates that the difference is based upon pre-1981 capital improvement passthroughs which were never dropped, but made part of the base rent.

MSC: To remand to the hearing officer only to check for a technical correction for unit #604, and to otherwise deny the appeals. (How/McGoldrick: 5-0)

- C. 2121 Pierce Street L001-03R

The tenant appeals the denial of the petition alleging a substantial decrease in services, failure to repair and maintain, and unlawful rent increase. The hearing officer found that the property was owner occupied by the merchant seaman landlord and outside the jurisdiction of the Board. The tenant appeals, asserting that procedurally, it was improper and prejudicial for the hearing officer to reopen the issue of jurisdiction when she was unprepared to present evidence on that issue at the second hearing on the merits.

MSC: To remand the case for a new hearing before a new hearing officer on the jurisdictional and substantive issues, with instructions to consider the evidence presented at the last hearing. (Astle/McGoldrick: 4-0)

- D. 3241-47 - 25th Street L001-04R through L001-06R

Two tenants (units 3241 and 3247) appeal the decision certifying capital improvement passthroughs 1) questioning whether the landlord paid the previous owners for what they paid for the improvements, and 2) requesting a new allocation based on square footage.

One tenant (unit 3245) appeals the passthrough of the cost of the roof to his unit because he was not in occupancy six months before that work began. (A Notice of Correction was issued on August 29, 1990 to exclude the cost for that item.) This tenant also alleges severe financial hardship.

MSC: To accept the appeal only on the issue of hardship for unit 3245 and otherwise deny the appeals.  
(McGoldrick/Stephenson: 4-0)



V. Communications

The Board received a request from the landlord's representative to postpone the appeal hearing scheduled for September 11, 1990 [L001-09A for 1835 Vallejo St.] because one of the owners is on a prolonged vacation.

VI. Director's Report

The Director reported on the budget situation and the need to extend salary savings, if possible. The funds for the outreach booklet may not be available, and the hiring for one of the vacant positions may need to be deferred.

VII. Calendar Items

September 11, 1990

4 appeal considerations

1 eviction consideration

Appeal Hearing: 1835 Vallejo #406, L001-09A

September 18, 1990

2 appeal considerations

September 25, 1990 - No meeting

VIII. Adjournment

President How adjourned the meeting at 6:00 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.  
September 11, 1990

\*\*\*\*\*  
25 Van Ness Avenue, Rm. 70, Lower Level  
\*\*\*\*\*

AGENDA

\*\*\*\*\*

I. Call to Order

II. Roll Call

DOCUMENTS DEPT.

III. Approval of the Minutes

NOV 20 2000

IV. Remarks from the Public

SAN FRANCISCO  
PUBLIC LIBRARY

V. Consideration of Appeals

A. 1040 Leavenworth St. #305	L001-08R
B. 450 Jones St. #604	L001-10A
C. 5636 California St. #3	L001-11A
D. 1849 Page St.	L001-12A

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

Report from Staff

A. 172 Highland Ave.	K002-63E
B. 845 - 14th St.	K002-17E

IX. Old Business

IV. Remarks from the Public (cont.)

X. New Business

XI. Appeal Hearing

6:00 1835 Vallejo St. #406	L001-09A (accepted 8/21/90)
----------------------------	-----------------------------

XII. Calendar Items

XIII. Adjournment

0280Q





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION & ARBITRATION BOARD  
Tuesday, September 11, 1990 at 5:30 p.m. at  
25 Van Ness Avenue, Suite 70, Lower Level

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:39 p.m.

II. Roll Call

Commissioners Present: Hammill; How; Marshall;  
Schlichtmann; Villa.  
Commissioners not Present: McGoldrick; Rossoff; Stephenson.  
Staff Present: Grubb; Wicks.

Commissioner Carrico appeared on the record at 5:48 p.m. Commissioner  
Astle appeared at 5:56 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of September 4, 1990, as  
written. (Marshall/Hammill: 4-0)

IV. Communications

The Commissioners received the following communications:

- A. The August 1990 Rent Board statistics;
- B. A postponement request for the appeal hearing concerning  
3245 - 25th Street scheduled for September 18, 1990, which  
was granted; and
- C. Additional statements from the tenant at 1040 Leavenworth  
#305 concerning his appeal considered at this meeting.

V. Director's Report

A. Executive Director Joe Grubb noted that the issue of passing  
on water penalties to tenants will again be discussed by the Board of  
Supervisors on September 12, 1990.

B. He also informed the Board that an accountant has been hired  
for the department and will begin work in the next two weeks. An  
update on other staff vacancies was given.





VI. Considerations of Allegations of Wrongful Eviction

A. 172 Highland Ave. K002-63E

This case was presented to the Board in July, and a cautionary letter was sent to the landlord and his attorney. (See the Minutes of July 10, 1990.) Despite the decision and Board letter, the landlord's manager asked the tenant about her failure to pay rent, even though it was made clear she was using the option to reduce her rent pursuant to the Rent Board decision.

MSC: To write a letter to the landlord and his attorney, reminding them that the Commissioners are monitoring the situation closely and will immediately refer the case to the District Attorney if the landlord or his representatives act improperly in this matter.  
(Marshall/Schlichtmann: 5-0)

B. 845 - 14th St. K002-17E

The landlord believed that the tenants were permanently vacating; the tenants believe they had to vacate only for earthquake repairs. Neither side communicated with the other during several months of repair work. When the tenants questioned their right to move back when the work was completed, the landlord realized he had not proceeded properly since he believed they had relinquished their tenancy. Since this time the owner has acted in accordance with the Ordinance and Rules. The hearing officer recommended monitoring.

MSC: To monitor the case briefly. (Marshall/Carrico: 5-0)

VII. Consideration of Appeals

A. 1040 Leavenworth St. #305 L001-08R

The tenant filed a petition based on decreased services and failure to maintain and repair. The hearing officer denied the decreased services claim since the tenant was unable to document one and did not give the landlord notice of the other until the hearing. His failure to maintain and repair argument was dismissed because there was no rent increase at issue during the statutory period. The tenant appealed, citing the landlord's alleged poor dealings with him; insisting his word was sufficient to establish malfunctioning heaters; and pointing out a later rent increase notice.

MSC: To deny the appeal without prejudice to refile on the failure to repair issue. (Carrico/How: 5-0)



B. 450 Jones St. #604

L001-10A

The tenant received a rent reduction, for a total of \$100.00, to correspond with several temporary reductions in housing services after repair of the unit following a fire in the building. The landlord appealed, claiming that one item worked perfectly, the tenant did not cooperate in allowing repairs, and one item was the responsibility of the tenant, not the landlord.

MSC: To uphold the hearing officer and deny the appeal.  
(Marshall/Hammill: 5-0)

C. 5636 California St. #3

L001-11A

The tenant met his burden of proving various decreased services for leaks, mildew, cracked windows, malfunctioning stove, and loose floorboards. Because of the landlord's lack of response to these problems over a long period, the tenant withheld rent and vacated when the landlord threatened an eviction action. The tenant has not determined if he will move back in unless the repairs are made. On appeal the landlords insist that they have expended over \$6,000 to make the repairs.

MSC: To uphold the hearing officer and deny the appeal.  
(Marshall/Hammill: 5-0)

D. 1849 Page St.

L001-12A

The landlord appealed a hearing officer's ruling certifying some capital improvements and denying others. The landlord objects to the classification of a replacement intercom panel (\$371.39) and a replacement awning (\$884.10) as repairs, not improvements. He further appeals the disallowance of certain painting costs because no log of work hours was submitted for that work.

MSC: To remand the case to the same hearing officer with instructions to review the awning and intercom panel as capital improvements or repairs; and to review the issue of compensated labor versus uncompensated labor.  
(Carrico/Marshall: 5-0)

#### VIII. Appeal Hearing

1835 Vallejo St. #406

L001-09A

This matter was postponed to October 2, 1990, at the request of the parties.

#### IX. Remarks from the Public

Al Goodwin congratulated the Commissioners on their new Board meeting location.



X. Calendar Items

September 18, 1990

2 appeal considerations

September 25, 1990

NO MEETING !!!

October 2, 1990

4 appeal considerations

6:00- Appeal Hearing: 1835 Vallejo #406 (rescheduled from 9/11/90)

XI. Adjournment

President How adjourned the meeting at 6:28 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.  
September 18, 1990

\*\*\*\*\*  
25 Van Ness Avenue #70, Lower Level  
\*\*\*\*\*  
AGENDA  
\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals
  - A. 149 Dalewood L001-13A
  - B. 1010 Bush St. #105 L001-14A
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Calendar Items
- XII. Adjournment

DOCUMENTS DEPT.

NOV 20 2030

SAN FRANCISCO  
PUBLIC LIBRARY







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION & ARBITRATION BOARD  
Tuesday, September 18, 1990 at 5:30 p.m. at  
25 Van Ness Avenue, Suite 70, Lower Level

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; How; Rossoff;  
Schlichtmann; Stephenson; Villa.  
Commissioners not Present: Carrico; Marshall; McGoldrick.  
Staff Present: Dolan; Grubb.

III. Approval of the Minutes

MSC: To approve the Minutes of September 11, 1990 as  
written. (Astle/Rossoff: 5-0)

IV. Consideration of Appeals

A. 149 Dalewood Way L001-13A

The landlord appeals a decision granting the tenant a reduction to correspond with a decrease in services based on the condition of the carpeting.

MSC: To remand the case for a finding to support the 10%  
reduction or in the alternative to reduce or eliminate  
the decrease. (Astle/Rossoff: 5-0)

B. 1010 Bush St. #105 L001-14A

Based on evidence not submitted to the hearing officer, the landlord appeals a decision determining rent overpayments.

MSC: To remand the case to determine if any technical  
correction is warranted. (Astle/Hammill: 4-0)

V. Communications

The Board received a letter from Francis J. Kelly regarding an appeal considered on July 17, 1990; the letter was referred back to staff for an explanation.



VI. Director's Report

A. Executive Director Joe Grubb reported that the \$8 Rent Board fee charged to landlords may again be in effect; all but \$50,000 of delinquent fees has been collected without resort to lien notices. Last year's delinquent notices will be sent out with this year's bill by the tax collector.

B. Amendments proposed by the Rent Board will be introduced in committee next week by Supervisor Britt.

C. The new accountant has begun working for the Rent Board.

D. The Director is beginning a three and a half week vacation this week.

VII. Old Business

Ruth Astle suggested that in the interest of continuing education for hearing officers it might be advisable to designate a senior hearing officer with premium pay to review decisions and train as needed. The Board is concerned with quality and volume and does not want to hire contract hearing officers next year to assist with the backlog. The Board prefers to limit appeals to matters of policy. If hearing officers need policy statements or issues clarified by the Board, the Board will oblige.

VIII. New Business

A. The Appeal Decision on 1369 Hyde was not signed because Commissioner McGoldrick was not present.

2. Discussion was initiated by Director Grubb regarding residential tenancies in commercial structures on the issue of whether the tenant is protected by the Ordinance when a new buyer seeks to raise the rent above the limitations or to evict. Board consensus is that the Ordinance is designed to protect tenants, regardless of the legality of the unit under zoning regulations. There are other remedies available to the landlord.

IX. Calendar Items

September 25, 1990 - No meeting.

October 2, 1990

4 appeal considerations, as originally scheduled

2 appeal hearings: 3245-25th Street (rescheduled from 9/11/90)  
1835 Vallejo #406 (rescheduled from 9/18/90)

October 9, 1990

3 appeal considerations

X. Adjournment

President How adjourned the meeting at 6:10 p.m.





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION & ARBITRATION BOARD  
Tuesday, October 2, 1990 at 5:30 p.m. at  
25 Van Ness Avenue, Suite 70, Lower Level

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present:	How; McGoldrick; Rossoff; Schlichtmann; Stephenson; Villa.
Commissioners not Present:	Astle; Hammill.
Staff Present:	Dolan; O'Hearn.

Commissioner Marshall appeared on the record at 5:38 p.m. and left at 7:10 p.m. Commissioner Carrico appeared on the record at 5:51 p.m. and left at 7:10 p.m. Commissioner Villa also left the meeting at 7:10 p.m. and Commissioner Rossoff left at 7:35 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of September 18, 1990 as written. (Stephenson/Rossoff: 5-0)

IV. Consideration of Appeals

A. 658 Monterey Blvd. L001-09R

The tenants appeal a dismissal of their petition based on their failure to appear at the hearing due to their belief that the scheduled time was 3:00 p.m. instead of 11:00 a.m.

MSC: To deny the appeal without prejudice to the tenants' ability to file another petition.  
(Rossoff/Schlichtmann: 5-0)

Staff was instructed to explain this motion to the tenants.

B. 641 Post St. #715 L001-10R

The tenant appeals the dismissal of her petition for failure to appear, based on a claim of non-receipt of the notice of hearing due to the landlord's informing the letter carrier that the tenant was no longer in residence.

MSC: To remand the case for a hearing with directions that staff ensures that the tenant is notified by telephone of the remand hearing. (McGoldrick/Schlichtmann 5-0)

C. 1267 Filbert St. #6

L001-15A

The landlord appeals a decision denying the imposition of a rent increase based on the hearing officer's determination of the tenants' anniversary date calculated from the date of their initial occupancy of the unit after moving from another unit in the building.

MSC: To deny the appeal. (McGoldrick/Marshall: 3-2; How and Rossoff dissenting)

D. 2810 Washington St.

L001-11R

The tenant appeals a decision approving an increase in the tenant's base rent due to an increase in operating and maintenance expenses, and recalculating a rent reduction based on decreased services. The taped recording of the hearing appears to be defective.

MSC: To continue the case for one week in order for staff to consult with the City Attorney's office.  
(McGoldrick/Schlichtmann: 5-0)

V. Remarks from the Public

A representative for the landlord of 1267 Filbert Street, whose appeal was considered at this meeting, addressed remarks to the Commissioners.

VI. Communications

A. The Commissioners received a letter from the parties for 1835 Vallejo St. #406 concerning their settlement of the appeal [L001-09A] scheduled for hearing at this meeting.

B. President How summarized communications and invitations directed and issued to her.

VII. Director's Report

A. Deputy Director Barbara O'Hearn reported on pending legislation as follows:

1. The Rent Ordinance amendments scheduled before the Board of Supervisors Social and Economic Policy Committee on September 27th were taken off calendar and continued.

2. The San Francisco Water Department is viewing with alarm discussions regarding elimination of excess water use penalties for multiple-dwelling buildings.

3. An Ordinance to increase the Residential Unit Fee from \$4 to \$8 is scheduled before the Finance Committee on October 3, 1990.

B. Rent Board cases currently before the San Francisco Superior Court include the following:

1. The Flowers case (brought by Golden Gateway tenants) is currently in trial before Judge Maxine Chesney following settlement conferences with Judge Ina Gyeant.

2. The Board's decision concerning 731 Florida St. (May 29, 1990) is being challenged by the landlord.

0025M

3. The Board's decision concerning 295 Guerrero St. #7 (July 17, 1990) also is being challenged by the landlord.

C. With regard to administrative matters, the Deputy Director reported as follows:

1. The Rent Board has hired Barbara Stringer as a clerk typist. There remains one more such position to be filled.

2. There is a backlog in setting cases for hearing due to the budget mandated five-month delay in filling all hearing officer positions, in addition to the backlog remaining from the administrative delays following the earthquake. Now that all positions are filled, over 100 cases per month are scheduled for hearing. The backlog (currently 75 cases not scheduled which were filed 45 or more days ago) is estimated to be decreasing at the rate of 20 cases per month. At this rate the backlog should be eliminated by January 1991.

D. The decision regarding 1369 Hyde Street #27 [K001-91A & K002-36R] was submitted for signature and approved.

IX. New Business

In a previous Board decision on appeal dated January, 1989 regarding 25 Edward Street, the Board retained jurisdiction in the event of a change of circumstances prior to August 1, 1990. The tenant now claims that her financial situation has deteriorated, and requests that the Board consider her application to extend the period of deferral of a capital improvement passthrough. The Board agreed to schedule an appeal review hearing of this matter on October 16, 1990.

X. Calendar Items

October 9, 1990

5 appeal considerations

October 16, 1990

7 appeal considerations

1 appeal review hearing - 25 Edward Street [J001-50R]

October 23, 1990 - NO MEETING.

The Commissioners took a recess from 7:10 to 7:30 p.m.

Commissioner Rossoff requested that appeals for 2124 Hyde St. [L001-18A & L001-12R through L001-16R] scheduled for consideration on October 9th be continued due to a conflict of interest on the part of Commissioner Carrico and the scheduled absence of Commissioner Rossoff.

MSC: To continue the appeal consideration to the meeting of October 16th. (Schlichtmann/Rossoff 4-1; McGoldrick dissenting)



XI. Appeal Hearings

3245 - 25th Street

L001-06R

Commissioner Rossoff left the meeting prior to the appeal hearing which began at 7:45 p.m. The tenant appeared, but neither the landlord nor his attorney appeared or submitted any reason for non-appearance.

On September 4, 1990, the Commissioners accepted the tenant appeal of certification of capital improvements, on the basis of financial hardship. The capital improvement passthrough authorized for the tenant's unit was \$50.03. The tenant testified concerning limited income and resources. After reviewing the testimony and documentation provided by the tenant with his appeal, the Commissioners voted as follows:

MSC: To defer the capital improvement passthrough for the tenant for one year from the date of mailing of the appeal decision, on the condition that the matter will be reviewed should there be an improvement in the tenant's financial situation before that time, and subject to further review by the Board should additional time for deferment be needed by the tenant.  
(Schlichtmann/McGoldrick 4-0; )

XII. Adjournment

President How adjourned the meeting at 8:12 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

October 9, 1990

\*\*\*\*\*

25 Van Ness Avenue, #70, Lower Level

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals

DOCUMENTS

OCT 10 1990

SAN FRANCISCO  
PUBLIC LIBRARY

- |                           |                            |
|---------------------------|----------------------------|
| A. 2810 Washington St. #2 | L001-11R (cont. from 10/2) |
| B. 2738 Diamond St.       | L001-18A                   |
| C. 281 - 14th St.         | L001-17A                   |
| D. 101 Dolores St. #1     | L001-19A                   |
| E. 2100 Post St.          | L001-20A & L001-21A        |

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Calendar Items
- XII. Adjournment

0027M





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, October 9, 1990 at 5:30 p.m. at  
25 Van Ness Avenue, Suite 70, Lower Level

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:31 p.m.

II. Roll Call

Commissioners Present: Astle; How; Marshall;  
Schlichtmann.  
Commissioners not Present: Hammill; Rossoff; Stephenson;  
Villa.  
Staff Present: O'Hearn.

Commissioner Carrico appeared on the record at 5:34 p.m. Commissioner  
McGoldrick appeared at 5:40 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of October 2, 1990.  
(Astle/Marshall: 3-0)

IV. Consideration of Appeals

A. 2810 Washington St. L001-11R

This appeal was continued from the previous meeting in order for staff  
to consult with the Deputy City Attorney concerning the inadequate tape  
recording of the hearing.

MSC: To remand the case for a new hearing before a hearing  
officer. (Astle/Marshall: 3-0)

B. 2738 Diamond St. L001-18A

The landlord appeals the decision on a tenant petition concerning null  
and void increases, one of which was initiated by the former landlord  
to get the tenant to agree to bring the rent up by 33.3% in 1988 to  
help sell the property. A previous increase in 1986 was imposed one  
month early and erroneously compounded banked increases.

MSC: To accept the appeal for a hearing before the  
Commissioners only on the issue of the 1986 increase.  
(Carrico/How: 5-0)

C. 281 - 14th St.

L001-17A

The landlord appeals the hearing officer's decision granting rent reductions to correspond with decreased housing services as follows: 20% - pest control; 4% - lack of functional toilet; 4% - holes in walls and cabinets; 3% - loose flooring; 3% worn carpeting; and 3% lack of cooking fan or vent. The landlord failed to appear at the hearing because he thought that the matter was resolved by agreement with the tenant after the landlord rescinded the annual increase.

MSC: To remand the case for another hearing before a hearing officer. (Marshall/McGoldrick: 5-0)

D. 101 Dolores St. #1/  
595 - 14th St.

L001-19A

The landlords appeal the decision on consolidated tenant petitions. The decision was distributed at the meeting for review by the Commissioners since another decision concerning the property was erroneously provided earlier. The tenant's response to the landlord's appeal also was reviewed. The hearing officer granted rent decreases of 20% to correspond with plumbing problems and 4% to correspond with security gate problems. The landlords object to the decrease for the plumbing because the delays in completing the work were unavoidable. They also object to the security gate decrease for one of the units which does not utilize the gate due to a separate entrance.

MSC: To remand the case for a hearing before a hearing officer on the issues raised on appeal. (Marshall/Astle: 5-0)

E. 1. 2100 Post St. #9

L001-20A

The landlord appeals the decision granting the tenant's petition concerning null and void increases attributable to separate increases for use of a parking space. The landlord states on appeal that (1) the tenant did not pay the July 1990 increase as presumed by the decision, (2) the Board previously approved the garage increases pursuant to a previous decision on the landlord's capital improvement petition, and (3) one of the garage space rental increases was due to the landlord's permitting the tenant to store additional vehicles.

MSC: To remand the case for another hearing before a hearing officer for further findings on the garage space rental and to review any prior Rent Board decisions. (Carrico/How: 4-1; Marshall dissenting)

E. 2. 2100 Post St.

L001-21A

The hearing officer dismissed the landlord's rent increase petition based on the landlord's failure to appear at the hearing. The landlord declares that he did not receive notice of the hearing.

MSC: To remand the case for a hearing before a hearing officer (consolidated with the above case).  
Marshall/Astle: 5-0)

VI. Communications

Most of the Commissioners received a newsletter from the San Francisco Tenants Union.

VII. Director's Report

The Deputy Director reported that the Board of Supervisors approved increasing the Residential Unit Fee from \$4 to \$8 following a 2-1 recommendation from the Finance Committee.

VIII. New Business

Commissioner Carrico commented on the movie, Pacific Heights.

IX. Calendar Items

October 16, 1990

7 appeal considerations

1 appeal review hearing - 25 Edward Street [J001-50R]

October 23, 1990 - NO MEETING.

October 30, 1990

4 appeal considerations

1 appeal hearing - 2738 Diamond Street [L001-18A]  
(accepted 10/9/90)

November 6, 1990 - ELECTION DAY - NO MEETING.

X. Adjournment

President How adjourned the meeting at 6:30 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
AND ARBITRATION BOARD, Tuesday, 5:30 p.m.

October 16, 1990

\*\*\*\*\*

25 Van Ness Avenue, #70, Lower Level

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals

- |                            |   |
|----------------------------|---|
| A. 2124 Hyde St.           | L001-12R through L001-16R<br>and L001-18A |
| B. 81 & 83 - 29th St.      | L001-22A                                  |
| C. 410 Shrader St. #1      | L001-23A                                  |
| D. 1870 Jefferson St. #303 | L001-26A                                  |
| E. 653 Ashbury St.         | L001-25A                                  |
| F. 336 Guerrero St.        | L001-17R                                  |
| G. 1332 Dolores St. #5     | L001-24A                                  |

DOCUMENTS SECT.  
OCT 19 1990  
SAC FRANCISCO  
PUBLIC LIBRARY

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions

Report from Staff

- |                    |          |
|--------------------|----------|
| A. 2837 - 23rd St. | K003-45E |
| B. 821 - 30th Ave. | K003-83E |

- IX. Old Business
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Appeal Review Hearing

6:00 25 Edward St. J002-50R  
(originally decided 12/20/88)

- XII. Calendar Items
- XIII. Adjournment

0029M





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARDTuesday, October 16, 1990 at 5:30 p.m. at  
25 Van Ness Avenue, Suite 70, Lower Level

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:34 p.m.

II. Roll Call

Commissioners Present:	Astle; Hammill; How; Rossoff; Schlichtmann; Stephenson; Villa.
Commissioners not Present:	Marshall; McGoldrick.
Staff Present:	O'Hearn.

Commissioner Carrico appeared on the record at 6:00 p.m.

III. Approval of the MinutesMSC: To approve the Minutes of October 9, 1990.  
(Astle/Stephenson: 5-0)IV. Consideration of Appeals

A. 2124 Hyde Street	L001-12R through L001-16R and 18A
---------------------	--------------------------------------

Both parties appeal the decision certifying the costs of eleven capital improvements for passthrough to tenants. The landlords appeal the disallowance of the cost for three items: hallway light sconces; Sentex telephone entry system; supervisory costs.

The tenants appeal the allowance of the costs for seven items: exterior paint; new water heater; asbestos removal; electrical upgrade; lobby tile; hallway carpeting; hallway painting. They assert that the improvements were performed as part of a plan to change the socioeconomic status of the building. They also assert that the work, all performed in the common areas, was not necessary. In response, the landlords assert that the decision should be upheld as to the items certified because the tenants' objections are frivolous.

MSC: To deny the tenants' appeal and accept the landlords' appeal for remand only on the issues of the telephone entry system and supervisory costs for further findings concerning any benefit to the tenants.  
(Stephenson/Astle: 5-0)

B. 81 & 83 29th St.

L001-23A

The landlords appeal a decision finding all rent increases since 1982 for both of the subject units to be null and void. While the landlords concede that the decision is technically correct under the Ordinance, they argue that a two-year statute of limitations (for oral agreements) should apply pursuant to California statutory and case law even though the tenants had written leases and the Ordinance does not contain such a statute of limitations.

MSC: To deny the appeal. (Astle/Stephenson: 4-1; Rossoff dissenting.)

C. 410 Shrader St. #1

L001-22A

The landlord appeals a decision granting the tenants a 15% rent reduction for extensive earthquake damage which was not repaired until this petition was filed, five months after the expiration of the reasonable repair time given by the Bureau of Building Inspection. On appeal, the landlord claims that (1) the earthquake damage was not substantial enough to warrant a rent reduction, (2) different standards should apply for damage caused by ordinary wear and tear and "Acts of God," (3) a 15% reduction was not substantiated by the evidence, (4) the delay in making repairs was reasonable and (5) the hearing officer was biased.

MSC: To deny the appeal. (Rossoff/Stephenson: 5-0)

D. 1870 Jefferson St. #303

L001-26A

The landlord's representative requested a postponement of the consideration of this appeal. The owner was out of town, but would consider withdrawing the appeal.

MSC: To continue this matter until the Board meeting of November 13, 1990. (Astle/Rossoff: 5-0)

E. 653 Ashbury St.

L001-25A

The landlord appeals a decision granting the tenant a 20% rent reduction since November 1989 for major water leakage in the bathroom which began in August 1989. Early attempts to repair were unsuccessful and for the past nine months, the landlord has made no efforts to repair due to cash flow problems. On appeal, the landlord claims that the rent reduction is excessive for the size of the area affected and for the amount of rainfall during the relevant period.

MSC: To remand this case for further hearing before the hearing officer for consideration of the value of the decrease and for further findings. (Astle/Rossoff: 4-1; Stephenson dissenting.)

F. 336 Guerrero Street

L001-17R

Due to the tenant's failure to appear at the hearing, the hearing officer dismissed the tenant's petition alleging a substantial decrease in housing services based on lack of heat. On appeal, the tenant provides documentation showing that he did not receive notice of the hearing because he was in Santa Barbara on business at the time the notice was mailed and his mailing service did not forward the notice to him in a timely manner.

MSC: To remand the case for a new hearing.  
(Astle/Rossoff: 5-0)

G. 1332 Dolores Street #5

L001-24A

The landlords appeal a decision finding rent increases imposed by prior landlords in 1983 and 1985 to be null and void. The 1983 increase was imposed less than 12 months after the tenant's anniversary date and the 1985 increase of 14.2% exceeded lawful limitations. On appeal, the landlords claim that (1) they were unaware that the 1983 increase was unlawful when they purchased the property, (2) the tenant agreed to the 1985 increase and (3) a four-year statute of limitations and the doctrine of laches should apply to bar the null and void determination.

MSC: To remand the case for further hearing before the hearing officer with instructions to consider whether the 1985 increase was part of a negotiated new lease.  
(Astle/Carrico: 5-0)

#### V. Communications

President How circulated a memo to her from the Mayor's office concerning minority and women business contracts with the City.

The Commissioners each received a copy of the Old St. Mary's Housing Committee newsletter.

The Commissioners present also received a Board Meeting Checklist and memo from staff who prepared the Board meeting materials.

#### VI. Director's Report

The Deputy Director reported that another clerk typist, Gloria Barnes, was hired to fill a vacant position at the office.

The Deputy Director distributed and reported on corrections made by the Deputy City Attorney to the amendments to the Rent Ordinance proposed by the Rent Board.

MSC: To approve the draft amendments, as corrected.  
(Astle/Stephenson: 5-0)

VII. Consideration of Allegations of Wrongful Evictions

A. 2837 - 23rd St.

K003-45E

The Hearing Officer determined that the Landlord's Petition for Extension of Time should have been filed no later than August 1, 1989 instead of March 13, 1990, seven months after the capital improvement work began and nine months after the tenants vacated their unit. Further, the Hearing Officer and Eviction Unit Supervisor found the landlord's attorney's statements lacking in credibility concerning numerous letters sent and petitions filed by him which never reached the Rent Board, tenants' attorney, or tenants.

Staff recommends that the landlord's attorney be sent a stern cautionary letter from the Board about his failure to comply with the Rules and Regulations in this area, as well as a statement of the Board's concern about his allegations of timely response to the tenants' attorney and timely filing of the Petition for Extension of Time. The landlord should also be warned of his responsibility to follow the requirements of the Ordinance and Rules.

MSC: To adopt the recommendation of staff.  
(Astle/Hammill: 5-0)

B. 821 - 30th Ave.

K003-83E

A staff report on this case is rescheduled for the next meeting.

VIII. Appeal Review Hearing

25 Edward St. #3

J001-50R

The landlord's representative requested a postponement of this hearing due to a previously scheduled appointment. After discussing whether to grant a postponement, the Commissioners commenced the hearing with a continued date of October 30th for the landlord to testify after having an opportunity to listen to the tape recording of the tenant's testimony taken at this meeting.

The tenant also may submit further documentation of her medical problems at the continued hearing to support her hardship claim for continued deferral of a capital improvement passthrough.

IX. New Business

A. Commissioner Stephenson discussed the October 27th hearing entitled "Evictions: Shame of the City" cosponsored by Old St. Mary's Housing Committee. Although Rent Board Commissioners were invited to be panelists, none are able to attend. Staff will draft a letter for the President to express the Board's interest in the issue, particularly as it affects the Rent Board.

B. Pursuant to Government Code Section 54957, the Commissioners went into executive session to discuss personnel matters. An  
0030M

executive session will be scheduled with the Executive Director in the near future.

X. Calendar Items

October 23, 1990 - NO MEETING.

October 30, 1990

7 appeal considerations

1 appeal hearing - 2738 Diamond Street [L001-18A]  
(accepted 10/9/90)

1 cont. appeal review hearing - 25 Edward St. #3 [J001-50R]  
(cont. from 10/16/90)

November 6, 1990 - ELECTION DAY - NO MEETING.

XI. Adjournment

President How adjourned the meeting at 7:30 p.m.







NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.  
October 30, 1990

\*\*\*\*\*  
25 Van Ness Avenue, #70, Lower Level  
\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals

A.	520 Scott St. #7	L001-27A
B.	706 - 8th Ave.	L001-18R
C.	305 Hearst Ave.	L001-30A
D.	2630 - 22nd St.	L001-29A
E.	4444 Irving St.	L001-31A
F.	797 Bush St. #504	L001-19R
G.	1564 Waller St.	L001-28A

RECEIVED

OCT 24 1990

PUBLIC LIBRARY

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions

Report from Staff	
821 - 30th Ave.	K003-83E

- IV. Remarks from the Public (cont.)

- IX. Appeal Hearing

6:00	2738 Diamond St.	L001-16A (accepted 10/9/90)
------	------------------	-----------------------------

- X. Old Business

7:00	Appeal Review Hearing (cont. from 10/16/90)	
	25 Edward St. #3	J001-50R
	(originally decided 12/20/88)	

- XI. New Business

- XII. Calendar Items

- XIII. Adjournment







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, October 30, 1990 at 5:30 p.m. at  
25 Van Ness Avenue, Suite 70, Lower Level

DOCUMENTS DEPT.

\*\*\*\*\*

NOV 7 - 1990

SAN FRANCISCO  
PUBLIC LIBRARY

I. Call to Order

President How called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; How; Marshall;  
Rossoff; Villa.  
Commissioners not Present: Schlichtmann; Stephenson.  
Staff Present: Grubb; O'Hearn.

Commissioner Carrico appeared on the record at 5:40 p.m. and left at 7:15 p.m. Commissioner McGoldrick appeared at 5:45 p.m. and left at 6:53 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of October 16, 1990.  
(Astle/Rossoff: 5-0)

IV. Remarks from the Public

Al Goodwin requested a copy of the Rent Ordinance amendments proposed by the Rent Board Commissioners. He also complained of the difficulty in telephoning the Rent Board. The Executive Director explained the present counseling staff shortage.

V. Consideration of Appeals

A. 520 Scott St. #7 L001-27A

The landlord appeals the \$50.00 monthly decrease granted by the hearing officer commencing in 1987 to correspond with the conversion in 1986 of heating costs to the tenant.

MSC: To accept the appeal for hearing before the  
Commissioners. (Carrico/How: 4-1; Marshall  
dissenting.)

B. 706 - 8th Ave. L001-18R

The tenant appeals the hearing officer's decision denying his petition alleging a reduction in services and an illegal rent increase on the basis that the hearing officer was biased. The tenant, whose rental

unit is subject to RAP jurisdiction with regard to rent increases, also alleges errors in the findings.

MSC: To remand the case to a hearing officer for further hearing only on the issue of the garage.  
(Carrico/How: 5-0)

C. 305 Hearst Ave.

L001-30A

Prior to discussing this case, the Commissioners approved the following motion:

MSC: To excuse Commissioner Carrico from this case.  
(Astle/Marshall: 5-0)

The landlords appeal the decision granting rent reductions to correspond with the tenant's loss of garage (10%), backyard (5%) and basement (7%) beginning March 1989. The landlords did not appear at the hearing except through their attorney who left prior to the conclusion of the tenant's testimony. The following issues are among those raised on appeal: denial of the right to cross-examine the tenant; res judicata/comity based on municipal court proceedings in an unlawful detainer case; the housing services for which a decrease was granted were never available to the tenant; an incomplete record on which to justify the dates of the decrease; and the tenant's lack of possession renders the rent reduction a violation of the judicial powers doctrine.

MSC: To deny the appeal. (Astle/Marshall: 5-0)

D. 2630 - 22nd St.

L001-29A

On the basis of hardship, the landlords appeal a decision affirming a previous decision permitting the tenant to offset null and void increases not refunded by the landlords. The landlords appealed the previous decision referring to hardship; that appeal was denied by the Board on September 5, 1989 without prejudice to the filing of a rent increase petition and subsequent raising of a hardship claim.

MSC: To deny the appeal. (Marshall/McGoldrick: 3-2;  
Carrico and How dissenting.)

E. 4444 Irving St.

L001-31A

The landlords appeal the hearing officer's decision granting monthly rent reductions to correspond with the loss of some garage space (\$10), lack of privacy due to the landlords' use of the tenant's address for receipt of mail and the landlords' unannounced entry to retrieve his mail (\$5), and a decrease in the quality, features and size of refrigerator (\$5). The landlords contest each decrease based on factual disputes.

MSC: To deny the appeal. (Marshall/Carrico: 5-0)

F. 797 Bush St. #504

L001-19R

The tenant appeals a decision granting a reduction in rent based on a malfunctioning elevator and denying any reduction for problems with her stove due to lack of notice provided to the landlords.

MSC: To deny the appeal. (Carrico/How: 5-0)

G. 1564 Waller St.

L001-28A

The landlord appeals a decision granting the tenant a 50% rent reduction beginning April 1990 and continuing for conditions related to the conversion of the tenant's front room into a garage. On appeal the landlord argues that the reduction in rent is not supported by the facts.

MSC: To deny the appeal. (Marshall/McGoldrick: 3-2;  
Carrico and How dissenting.)

#### VI. Appeal Hearing

2738 Diamond St.

L001-16A

On October 9, 1990 the Board accepted this landlord appeal for hearing only on the issue of the 1986 increase imposed by the prior landlord. Both parties were present to testify. At the conclusion of the hearing, the Commissioners delayed discussion until review of the some of the records which needed to be retrieved from the Rent Board office.

#### VII. Communications

A. The Commissioners received and approved the following draft appeal decision and corrections to previous appeal decisions:

1. 3245 - 25th St. L001-06R (decided 10/2/90)
2. 952 Sutter St. K001-46A, etc. (issued 8/1/90)
3. 1369 Hyde St. #27 K002-36R & K001-91A (issued 10/3)

B. The Commissioners also received a Board meeting checklist and attachments from staff.

#### VIII. Director's Report

A. The Executive Director reported that the rental unit fee billing is going out next month.

B. He also noted that the Mayor was expected to visit the Rent Board office on October 31st.

#### VI. Appeal Hearing (cont.)

Following review showing that the tenant paid \$200/month from September 1983 to June 1986, the Commissioners passed the following motion:  
0035M

MSC: To recalculate rent overpayments and banking using \$225 as the proper base rent beginning June 1986.  
(Marshall/Astle: 5-0)

IX. Old Business

Appeal Review Hearing (cont. from 10/16/90)  
25 Edward St. #3 J001-50R

Staff reported a defective tape recording of the tenant's testimony on October 16, 1990 and the tenant's inability to come to the continued hearing at this meeting. Staff discussed the matter with the landlord's attorney who appeared to offer rebuttal to the tenant's hardship claim for further deferment of payment of a capital improvement passthrough. The matter was continued for both parties to appear at the next Board meeting on November 13, 1990.

VIII. Director's Report (cont.)

C. Along with a summary, the Deputy Director distributed corrected Rent Ordinance amendments as proposed by the Commissioners.

D. The Executive Director noted that the Employee Assistance Program director would no longer be coming to the Rent Board for a group program since confidentiality of the sessions is not agreed to by some staff.

X. Consideration of Allegations of Wrongful Evictions

Report from Staff  
821 - 30th Ave. K003-83E

Three months after the tenants prevailed at the Rent Board, the landlord attempted (several times) to raise the rent before making all required repairs. When the tenants continued to request repairs, they received three notices of late rent, only one of which was actually late. The landlords have attempted to change the terms of the tenancy without written notice, then give the tenants 3-day notices to quit anyway.

RECOMMENDATION: The landlords should be sent a cautionary letter by the Commissioners, advising them to inform themselves of state and local law and refrain from taking action that is in contradiction of those laws.

MSC: To adopt the staff recommendation.  
(Astle/Rossoff: 5-0)

XI. Calendar Items

November 6, 1990 - ELECTION DAY - NO MEETING.

November 13, 1990

6 appeal considerations (including 1 cont. from 10/16)  
1 cont. appeal review hearing - 25 Edward St. #3 [J001-50R]  
(cont. from 10/16/90 & 10/30/90)

XII. New Business

The Commissioners proposed a date for the holiday party, subject to staff approval.

XIII. Adjournment

President How adjourned the meeting at approximately 8:00 p.m.







NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

November 13, 1990

\*\*\*\*\*

25 Van Ness Avenue, #70, Lower Level

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals

A. 1870 Jefferson St. #303	L001-26A (cont. from 10/16)
B. 1542 Hayes St. #F	L001-32A
C. 555 John Muir Dr. #B411	L001-33A
D. 44 Keystone Way (rear unit)	L001-21R
E. 1407-B - 39th Ave.	L001-34A
F. 455 Hyde St. #83	L001-20R

- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business

Appeal Review Hearing (cont. from 10/16/90 & 10/30/90)

6:30 25 Edward St. #3 J001-50R  
(originally decided 12/20/88)

- IV. Remarks from the Public (cont.)

- X. New Business

- XI. Calendar Items

- XII. Adjournment

DOCUMENTS DEPT.

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY

0033M







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, November 13, 1990 at 5:30 p.m. at  
25 Van Ness Avenue, Suite 70, Lower Level

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present:	Astle; How; Rossoff; Schlichtmann; Stephenson; Villa.
Commissioners not Present:	Hammill; Marshall.
Staff Present:	Grubb; Wicks.

Commissioner McGoldrick appeared on the record at 5:40 p.m.  
Commissioner Carrico appeared at 6:16 p.m. Commissioner Stephenson  
went off the record at 6:25 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of October 30, 1990.  
(Astle/Rossoff: 4-0)

IV. Consideration of Appeals

A. 1870 Jefferson St. #303 L001-26A (cont. from 10/16/90)

The landlord appealed the hearing officer's ruling granting a rent reduction of \$125.00 for loss of a reliable security system for five months; other service decreases--resulting from the earthquake--were found to be remedied in a reasonable period of time, resulting in no rent reduction. On appeal the landlord indicated that \$350,000 had been spent in major seismic, structural and electrical repair for four months. In her response, the tenant indicated that the buzzer system was still malfunctioning and that the landlord had indicated no repair would be made until the tenant withdrew her Rent Board petition in writing.

MSC: To uphold the hearing officer and deny the appeal.  
(Rossoff/Stephenson: 4-0)

B. 1542 Hayes St. #F L001-32A

A rent reduction was granted for lack of heat and severe rodent infestation, with a reduced reduction following partially-successful extermination efforts. On appeal the landlord objected to the amount of the reduction for rodents, stating that the problem resulted from construction across the street and that pest control had been initiated shortly after notice from the tenant.



MSC: To remand to the same hearing officer for further findings on the claim of rodent infestation.  
(Astle/Rossoff: 5-0)

C. 555 John Muir Drive. #B411 L001-33A

Pursuant to a tenant petition based on decreased services, the hearing officer granted a reduction of \$15.00 per month for malfunctioning security gates and \$20.00 per month for a nonfunctional ventilation system in the large complex. Both of these systems had specifically been represented as functional upon the tenant's inquiries before taking up residence, resulting in his decision to rent at the complex. On appeal the landlord denied the tenant's allegations and further claimed nonreceipt of hearing notice. In response the tenant argued that the landlord's agent's appeal statements showed his unfamiliarity with the layout of the complex; he further questioned the three month delay in the company's forwarding the hearing notice from their Los Angeles office to the local San Jose office.

MSC: To uphold the hearing officer and deny the appeal.  
(Stephenson/McGoldrick: 5-0)

D. 44 Keystone Way (rear unit) L001-21R

The hearing officer granted a 10% (\$40.00) rent reduction for the landlord's failure to provide heat in the tenants' unit after PG&E declared the existing wall heaters unsafe shortly after the inception of the tenancy. Space heaters purchased by the tenants routinely overloaded the electrical system and blew fuses. The landlord refused to install legally-approved gas heat. On appeal the tenants argued that the rent reduction was so small that the landlord would have no incentive to make the necessary improvements.

MSC: To uphold the hearing officer and deny the appeal.  
(Stephenson/Astle: 5-0)

E. 1407-B - 39th Ave. L001-34A

The landlord appealed a ruling granting a rent reduction for elimination of the tenant's closet for five months; and for lack of heat and pest control for four years, with a reduction for these decreased services beginning one year prior to the filing of the petition. On appeal the landlord contested the tenant's claims and pointed out a computation error in the amount of the reduction.

MSC: To deny the appeal, but make numerical corrections as necessary. (Stephenson/Astle: 5-0)

F. 455 Hyde St. #83 L001-20R

This appeal was withdrawn prior to the Board meeting.

V. Communications

The Commissioners received the following communications:



A. The statement of settlement and appeal withdrawal from the tenant at 455 Hyde St. #83 [L001-20R];

B. A letter from Mayor Agnos concerning the Combined Charities Campaign;

C. A copy of the Winter 1990 issue of the Tenant Times from the San Francisco Tenants Union.

#### VI. Director's Report

Executive Director Joe Grubb reported as follows:

A. The City Attorney's office indicated that the Rent Board cannot set standards for rent decreases as a matter of policy. Such standards must be codified in the Rules and Regulations;

B. Mr. Grubb reminded the Commissioners that they must obtain permission from the Mayor's Office to leave the state if they intend to do so during the Holidays;

C. Commissioners Rossoff and Stephenson, along with Director Grubb, recently participated in the workshop "Can You Do It Without a Lawyer" concerning landlord-tenant issues;

D. The Tenant Inconvenience Committee of the Unreenforced Masonry Building Task Force is meeting on a weekly basis, with Director Grubb participating;

E. The Commission and Staff Christmas party is scheduled for December 14, 1990;

F. Executive Director Grubb has been attending training classes for Wang systems administrators and users. He reported on the City's efforts to consolidate all departments using Wang services in order to reduce costs and improve service;

G. Efforts are being made to fill counseling staff absences with temporary replacements.

#### VII. Old Business

Commissioner Stephenson reported on the recently-held community meeting on the topic of wrongful evictions sponsored by Old St. Mary's Housing Committee.

#### VIII. Calendar Items

##### November 20, 1990

1 appeal consideration

appeal hearing: 520 Scott Street #7 [L001-27A--accpt. 10/30/90]

##### November 27, 1990

2 appeal considerations



IX. Old Business

Appeal Review Hearing

(cont. from 10/16/90 & 10/30/90)

25 Edwards Street

J001-50R

The landlord's representative had requested a postponement of the original hearing in this matter due to a previously scheduled appointment. After discussion, the Commissioners commenced the hearing with a continued date of October 30th for the landlord to testify after having an opportunity to listen to the tape recording of the tenant's testimony. Staff noted a defective tape recording of the tenant's testimony on October 16, 1990. Staff discussed the matter with the landlord's attorney, who appeared to offer rebuttal to the tenant's hardship claim for further deferment of payment of a capital improvement passthrough.

The matter was continued for both parties to appear at the next Board meeting on November 13, 1990. The hearing was noticed for 6:30 p.m. Only the tenant was in appearance at the scheduled time. She testified to her current medical condition and submitted documentation of further testing to be performed by specialists in the near future. After taking testimony and evidence, the Commissioners voted as follows:

MSC: To continue deferment of the capital improvement passthrough for another six months, beginning November 1, 1990. At that time the landlord may renote the increase; the tenant may then ask for further review if her situation has not improved. (Astle/Rossoff: 5-0)

X. Adjournment

President How adjourned the meeting at 6:55 p.m.

IX. Old Business (cont.)

Reconvened Appeal Review Hearing

At 6:58 p.m. the landlord's representative appeared. He indicated that he had been orally informed that the hearing would be held at 7:00 p.m. The Commissioners reconvened the hearing at 7:05 p.m. After review of the documentation and a summary of the tenant's testimony, the representative agreed to allow the tenant to have a further six month deferment of the increase, assuming her situation did not improve before that time. He requested that he be informed as to whether or not she would undergo surgery. The hearing was declared closed.

X. Adjournment (cont.)

President How re-adjourned the meeting at 7:14 p.m.







NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.  
November 20, 1990

\*\*\*\*\*  
25 Van Ness Avenue, #70, Lower Level  
\*\*\*\*\*  
AGENDA  
\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeal  
646 O'Farrell St. #11 L001-35A
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- IV. Remarks from the Public (cont.)
- X. New Business
- XI. Appeal Hearing (accepted October 30, 1990)  
5:45 520 Scott St. #7 L001-27A
- XII. Calendar Items
- XIII. Adjournment

DOCUMENTS DEPT.

NOV 20 2000

SAN FRANCISCO  
PUBLIC LIBRARY





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, November 20, 1990 at 5:30 p.m. at  
25 Van Ness Avenue, Suite 70, Lower Level

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present:	Astle; How; Schlichtmann; Stephenson.
Commissioners not Present:	Carrico; Hammill; McGoldrick; Villa.
Staff Present:	Grubb; O'Hearn.

Commissioners Rossoff and Marshall appeared on the record at 5:44 p.m.  
Commissioner Schlichtmann left the meeting at 7:00 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of November 13, 1990.  
(Stephenson/Astle: 3-0)

IV. Consideration of Appeal

646 O'Farrell St. #11 L001-35A

The landlord appeals the hearing officer's decision granting the tenant's petition on incorrect calculations of PG&E passthroughs. The landlord alleges numerical errors which subsequently were corrected. Additionally, she disputes the veracity of the tenant, the overpayment calculations, and the tenant's anniversary date.

MSC: To deny the appeal and affirm the corrected decision of the hearing officer. (Stephenson/Astle: 3-0)

VI. Communications

The Commissioners received and approved a draft appeal decision for 2738-A Diamond St. [L001-16A] heard and decided on October 30, 1990.

VII. Director's Report

The Executive Director reported on outreach efforts including his recent presentation to the Board of Realtors, a possible television appearance on Channel 26 to discuss proposed Rent Ordinance amendments,



and meetings with the Tenant Inconvenience Plan Agreement Committee on potential plans for financing unreenforced masonry work.

The Director also reported on the status of filling staff positions during the temporary absence of permanent counseling staff.

The Deputy Director reported that a tentative decision had been filed in Superior Court in the Flowers class action case.

The Deputy Director also reported on the status of the hearing backlog. The Commissioners encouraged a plan proposed by Commissioner Astle for the use of hearing officers pro tem to help decrease the backlog.

#### VIII. Appeal Hearing

520 Scott St. #7

L001-27A

The Board accepted this case to determine the appropriate decrease to correspond with the conversion in 1986 of heating costs to the tenant. Both parties were present for the hearing which commenced shortly after 6:00 p.m. and concluded at 6:35 p.m.

Following discussion and attempted settlement negotiations, the following motion was made and failed:

MSF: To grant a monthly reduction of \$46.65 effective February 1987. (Marshall/Astle: 2-2; Rossoff and How dissenting.)

There being no majority vote on the matter, it was continued to the next Board meeting.

#### IX. New Business

Commissioner Astle proposed a student project to assist the counselors. The Commissioners agreed to pursue it.

#### X. Calendar Items

November 27, 1990

2 appeal considerations

Old Business: 520 Scott St. #7 [L001-27A]

December 4, 1990

1 appeal consideration

December 11, 1990

3 appeal considerations

#### XI. Adjournment

President How adjourned the meeting at 7:10 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARDTuesday, November 27, 1990 at 5:30 p.m. at  
25 Van Ness Avenue, Suite 70, Lower Level

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; How; Rossoff;  
Stephenson; Villa.  
Commissioners not Present: Carrico.  
Staff Present: O'Hearn.

Commissioner Marshall appeared on the record at 5:33 p.m. Commissioner McGoldrick appeared at 5:37 p.m. at which time he presided over the remainder of the meeting. The Executive Director appeared at 5:45 p.m. Commissioner Schlichtmann appeared at the meeting at 5:47 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of November 20, 1990.  
(Rossoff/Astle: 5-0)

IV. Consideration of Appeals

A. 1210 Alabama St. L001-23R

The tenant appeals the dismissal of her petition. She failed to appear at the hearing due to her absence from the state at that time. Three days prior to the hearing she mailed a postponement request from Los Angeles explaining her absence. However, it was not received by the Rent Board until three days after the hearing.

MSC: To excuse Commissioner Rossoff from consideration of this matter. (Astle/Stephenson: 5-0)

MSC: To deny the appeal without prejudice to the tenant's right to file another petition. (Astle/Villa: 4-0)

B. 1496 - 14th Ave. L001-22R

The tenant appeals the decision granting a capital improvement passthrough of \$39.62 per month. She argues that the increase is imposed in retaliation for the tenant's filing a prior wrongful eviction report.

MSC: To deny the appeal. (Rossoff/Villa: 5-0)

VI. Communications

The Commissioners received a Memorandum from the Executive Director regarding the City's Holiday Food Drive. The Commissioners will bring canned food to the next meeting.

VII. Director's Report

The Deputy Director reported that the Executive Director taped a television show (to be aired on Saturday, December 1st at 5:30 p.m.)

VIII. Old Business

520 Scott St. #7

L001-27A

The Commissioner further discussed this appeal hearing held at the previous Board meeting and approved the following motion:

MSC: To grant a monthly reduction of \$45.00 effective  
February 1987. (Marshall/Astle: 5-0)

VII. Director's Report (cont.)

The Executive Director reported on meetings with the Tenant Inconvenience Plan Agreement Committee and the urging by participants to utilize a Rent Board precertification procedure for the anticipated passthrough of seismic costs. The Commissioners asked the Director to invite committee members to address the Board at a future meeting.

IX. Calendar Items

December 4, 1990

1 appeal consideration

December 11, 1990

3 appeal considerations

December 18, 1990

3 appeal considerations

X. Adjournment

Vice-President McGoldrick adjourned the meeting at 6:00 p.m.





NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

December 4, 1990

\*\*\*\*\*

25 Van Ness Avenue, #70, Lower Level

\*\*\*\*\*

AGENDA

\*\*\*\*\*

SF  
R52  
#1  
2/4/90

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeal  
2837 - 23rd St. L001-36A
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- IX. Old Business
- X. Remarks from the Public (cont.)
- X. New Business
- XI. Calendar Items
- XII. Adjournment

DOCUMENTS DEPT.

DEC 7 1990  
SAN FRANCISCO  
PUBLIC LIBRARY

0041M





MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION & ARBITRATION BOARD

Tuesday, December 4, 1990 at 5:30 p.m. at  
25 Van Ness Avenue, Suite 70, Lower Level

\*\*\*\*\*

DOCUMENTS DEPT.

DLC 1

PUBLIC LIBRARY

F  
52  
2  
/4/90

I. Call to Order

Commissioner Astle called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present: Astle; Hammill; Marshall;  
Rossoff; Schlichtmann; Villa.  
Commissioners not Present: How; Stephenson.  
Staff Present: Grubb; O'Hearn.

Commissioner Carrico appeared at 5:38 p.m. Vice-President McGoldrick appeared at 5:45 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of November 27, 1990, with  
corrections made to Roman numerals on page 2.  
(Hammill/Marshall: 5-0)

IV. Consideration of Appeal

2837 - 23rd St. L001-36A

The landlord appeals the dismissal of his capital improvement petition. He failed to appear for the hearing because he put the wrong time for the hearing in his calendar.

MSC: To dismiss without prejudice to filing a new petition  
with a waiver of additional estimator fees.  
(Villa/Hammill: 5-0)

V. Communications

The Commissioners received an invitation to the ground breaking ceremony of Abel Gonzalez Apartments.

VI. Director's Report

The Executive Director recently attended a Civil Service Seminar on managing complex change.

Counselor Doris Charles has returned to work and the department is awaiting responses to fill other temporary vacancies.



The Director reported that the Tenant Inconvenience Plan Agreement Committee is making headway on plans related to unreenforced masonry work.

The Deputy Director and Commissioner Rossoff reported on the Mayor's budget meeting with Department heads and Commission presidents.

The Deputy Director reported on a proposed plan by the hearing officers for expedited hearings in cases where both parties agree to waive their right to formal Findings of Fact and Conclusions of Law, as well as their right to appeal. The Commissioners approved the proposal subject to advice from the City Attorney.

VI. Calendar Items

December 11, 1990

4 appeal considerations

December 18, 1990

5 appeal considerations

VII. Adjournment

Commissioner Astle adjourned the meeting at 5:50 p.m.



SF  
R52  
#1  
2/11/90

~~NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.~~

~~December 11, 1990~~

~~\*\*\*\*\*~~

~~25 Van Ness Avenue, #70, Lower Level~~

~~\*\*\*\*\*~~

~~AGENDA~~

~~\*\*\*\*\*~~

I. Call to Order

II. Roll Call

DOCUMENTS DEPT.

III. Approval of the Minutes

DEC 1 1990

IV. Remarks from the Public

SAN FRANCISCO  
PUBLIC LIBRARY

V. Consideration of Appeals

A. 1560 McAllister St.

L001-39A

B. 38 Gardenside Dr.

L001-38A

C. 2619 - 21st St.

L001-37A

D. 411 O'Farrell St. #420

L001-24R

VI. Communications

VII. Director's Report

VIII. Consideration of Allegations of Wrongful Evictions

Report from Staff

A. 73 Rondel Place

L001-07E

B. 665 Clay St. #1,2,3

L001-41E

C. 1243 Green St.

K001-99E

IX. Old Business

IV. Remarks from the Public (cont.)

X. New Business

XI. Calendar Items

XII. Adjournment







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION & ARBITRATION BOARD

Tuesday, December 11, 1990 at 5:30 p.m. at  
25 Van Ness Avenue, Suite 70, Lower Level

\*\*\*\*\*

I. Call to Order

Vice-President McGoldrick called the meeting to order at 5:31 p.m.

II. Roll Call

Commissioners Present:	Astle; Hammill; McGoldrick; Rossoff; Stephenson; Villa.
Commissioner not Present:	Schlichtmann.
Staff Present:	Grubb; O'Hearn.

President How was present, but not appearing on the record.  
Commissioner Marshall appeared at 5:32 p.m. and Commissioner Carrico  
appeared at 5:40 p.m. Commissioner Astle left the meeting at 6:30 p.m.

III. Approval of the Minutes

MSC: To approve the Minutes of December 4, 1990.  
(Villa/Rossoff: 5-0)

IV. Remarks from the Public

A man inquired about the Rent Board's function.

V. Consideration of Appeals

A. 1560 McAllister St. L001-39A

The landlord appeals the hearing officer's determination of null and void increases. In particular, the landlord complains that evidence in the hearing of a parking rent increase imposed in August 1986 was used to correct a prior decision which determined that the increase was imposed in March 1988.

MSC: To excuse Commissioner Stephenson from consideration of this appeal. (Villa/Rossoff: 5-0)

MSC: To remand the case to the hearing officer for reconsideration only on the parking increase determined in the prior decision which was not appealed by either party. (Astle/Carrico: 5-0)

DOCUMENTS

DEC 17 1990

RECEIVED

B. 38 Gardenside Dr. L001-38A

The landlord appeals the hearing officer's determination of incorrect PG&E passthroughs since 1985 based both on the landlord's failure to use the correct number of rooms determined in a prior Rent Board decision and failure to recalculate the amount when imposing subsequent annual rent increases.

MSC: To deny the appeal and adopt the numerical corrections proposed by the Hearing Officer. (Marshall/Astle: 5-0)

C. 2619 - 21st Ave. L001-37A

The landlord appeals the denial of a proposed rent increase based on comparables. The decision granted a capital improvement passthrough sum of \$138.49, but which was requested in the sum of \$192.58. On appeal the landlord attempts to submit new evidence on the comparables issue, as well as of a \$350 expenditure for fence work.

MSC: To deny the appeal. (Astle/Marshall: 5-0)

D. 411 O'Farrell St. #420 L001-24R

The tenant appeals the decision granting rent decreases of \$7.88/month for the first 8 months of 1990 due to the condition of the bathroom ceiling and walls, but denying a continuing rent decrease and denying other requested decreases. The tenant complains about on-going problems for which the hearing officer did not grant a decrease.

MSC: To deny the appeal without prejudice to the tenant's right to file another petition. (Astle/Marshall: 5-0)

#### VI. Communications

The Commissioners received the following communications:

- A. A late response to the appeal concerning 38 Gardenside above;
- B. A withdrawal of an appeal not yet before the Board;
- C. A copy of a letter to the hearing officer concerning a pending remand case [L002-18A]; and
- D. A letter requesting advice about a prior decision [J002-10C].

#### VII. Director's Report

The Director reported that the Tenant Inconvenience Plan Agreement Committee is proposing standard rent reductions to apply during unreinforced masonry work.

The Director also reported on the status of filling temporary counseling staff vacancies.

0044M

The Deputy Director reported that the City Attorney advised that a Rent Ordinance amendment would be necessary to implement the proposal for expedited hearings since parties would have to waive certain of their rights under the Ordinance.

The Deputy Director referred to Commissioner Marshall to report on the currently drafted proposed Ordinance amendments.

VIII. Consideration of Allegations of Wrongful Evictions

The Eviction Unit Supervisor provided a written report on the following cases, recommending cautionary or strongly worded letters in each case:

A. 73 Rondel Place

L001-07E

All rent increases were nullified for being imposed in less than 12 months; for being far above legal limits; and for failing to petitions (as well as lack of proper notice). Also the hearing officer found the move of the tenant to the smaller unit to be a wrongful eviction; the 3-day notice was for amounts the landlord was not entitled to on 3 or 4 counts; the shut off of the utilities was totally contrary to law; and the eviction for capital improvements was incorrectly pursued (no permits obtained and improper procedure followed). Further, the landlord's statement that he may move into the tenant's unit provides a third unsubstantiated reason to terminate this tenancy.

B. 665 Clay St.

L001-41E

The owners were unable to establish that the space occupied by the tenant constitutes one distinct unit; nor were they able to refute the presumption of retaliation, although such a motive was not clear from the facts.

C. 1243 Green St.

K001-99E

The landlord could not explain: (1) his ignorance of any of the requirements of owner-occupancy exemption for rent increases and evictions, or of the 30-day notice requirement for rent increases; (2) why he appeared to try to make it look as if he lived in the property when he did not; (3) why he simultaneously gave a rent increase notice and termination notice; (4) why he needed to terminate this tenant's occupancy when he had available (and asserted he already lived in) the other nearly identical unit.

MSC: To adopt staff recommendations in each of the cases.  
(Astle/Marshall: 5-0)

The Commissioners requested a report from staff on district attorney referrals. Commissioner Carrico requested a status report on the case concerning 500 Lyon St.

IX. Old Business

A. The Commissioners approved written Board Decisions on Appeal for 520 Scott St. #7 [L001-27A] heard on November 20, 1990 and 25 Edward St. [J001-50R] heard on November 13, 1990.

B. Commissioner Marshall reported on discussions with representatives of the tenant bar concerning the six drafted Rent Ordinance amendments proposed by the Rent Board.

MSC: To suspend the proposed amendment concerning increases exceeding the limits by de minimus amounts.  
(Astle/Marshall: 4-0)

C. The Commissioners discussed the upcoming holiday party they are giving for Rent Board staff.

X. Calendar Items

December 18, 1990  
5 appeal considerations

December 24, 1990 - HOLIDAY.

January 1, 1991 - HOLIDAY.

XI. Adjournment

Vice-President McGoldrick adjourned the meeting at 6:40 p.m.



NOTICE OF THE REGULAR MEETING OF THE SAN  
FRANCISCO RESIDENTIAL RENT STABILIZATION  
& ARBITRATION BOARD, Tuesday, 5:30 p.m.

December 18, 1990

\*\*\*\*\*

25 Van Ness Avenue, #70, Lower Level

\*\*\*\*\*

AGENDA

\*\*\*\*\*

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes
- IV. Remarks from the Public
- V. Consideration of Appeals
- |                        |                     |
|------------------------|---------------------|
| A. 5636 California St. | L001-25R            |
| B. 2278 - 15th St.     | L001-40A            |
| C. 929 Oak St. #8 & #7 | L001-26R & L001-27R |
| D. 1537 Cayuga         | L001-28R            |
| E. 125 Margaret Ave.   | L001-42A            |
- VI. Communications
- VII. Director's Report
- VIII. Consideration of Allegations of Wrongful Evictions
- Report from Staff
- IX. Old Business
- X. Remarks from the Public (cont.)
- XI. New Business
- XI. Calendar Items
- XII. Adjournment

0045M







MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO  
RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD

Tuesday, December 18, 1990 at 5:30 p.m. at  
25 Van Ness Avenue, Suite 70, Lower Level

\*\*\*\*\*

I. Call to Order

President How called the meeting to order at 5:32 p.m.

II. Roll Call

Commissioners Present: How; Marshall; McGoldrick;  
Schlichtmann; Stephenson; Villa.  
Commissioners not Present: Astle; Hammill; Rossoff.  
Staff Present: Wicks.

Commissioner Carrico appeared on the record at 5:42 p.m. Commissioners How and Marshall went off the record at 6:00 p.m. and 6:13 p.m., respectively.

III. Approval of the Minutes

MSC: To approve the Minutes of December 11, 1990, as written. (Marshall/Schlichtmann: 4-0)

IV. Remarks from the Public

The landlord from 1560 McAllister--considered at the December 11, 1990 meeting--stated his objections to the level of evidence presented by the tenant and allegedly accepted by the hearing officer.

V. Consideration of Appeals

A. 5636 California St. #6 L001-25R

In a second remand hearing pursuant to the landlord's appeal, the hearing officer found the landlord liable for \$600.00 in decreased services for defective heater and windows, leaks in several rooms, and rotting flooring. In addition a rent increase was deferred until repair of problems noted in the original decision. On appeal the tenant argued that false and irrelevant documentation had been submitted by the landlord and that the rent reduction did not reflect the magnitude of the loss of services.

MSC: To uphold the hearing officer and deny the appeal.  
(Marshall/McGoldrick: 4-0)

B. 2278 - 15th St.

1001-40A

The landlord appealed the hearing officer's decision declaring null and void a rent increase for an additional person, imposed by the landlord without petitioning for the increase. On appeal the landlord objected to the tenant's additional use of utilities and her failure to pay the \$8 annual user fee assessed the owner.

MSC: To uphold the hearing officer and deny the appeal.  
(McGoldrick/Schlichtmann: 5-0)

C. 929 Oak St.#7 and #8

L001-26R & L001-27R

The hearing officer certified capital improvement pass-throughs for painting, water heater, carpet, and intercom system. On appeal the tenants protested that they had not had work done in the interior of their units, and that the work had been done for the landlord's advantage, not the tenants' benefit. In response the hearing officer pointed out that all expenses were for the common areas.

MSC: To uphold the hearing officer and deny the appeal.  
(McGoldrick/Schlichtmann: 5-0)

D. 1537 Cayuga Ave.

L001-28R

A tenant appealed the hearing officer's certification of capital improvements for new roof, exterior paint, and bathroom remodel. On appeal the tenant argued that the property was not properly maintained and that she should not have to pay for improvements that were for the landlord's benefit and convenience.

MSC: To uphold the hearing officer and deny the appeal.  
(Carrico/Marshall: 5-0)

E. 125 Margaret Avenue

L001-42A

Pursuant to a tenant petition for improper rent increase and decreased services, the hearing officer found increases totalling \$5,589.20 to be null and void; and found decreased services totalling \$160.00 for lack of useable front and rear stairs for a two-month period. On appeal the landlord argued that the tenants had informed him that a 7% increase was allowable in 1988; that he understands neither the hearing officer's discussion of banking or base rent; and that expenses connected with health problems will make payment of the rent overcharges an extreme financial hardship.

MSC: To accept the appeal at the Board level on the issue of financial hardship, only. (Carrico/How: 4-1;  
McGoldrick dissenting)



VI. Communications

The Commissioners received the November 1990 Rent Board statistics.

VII. Director's Report

The Eviction Unit Supervisor gave the following report on behalf of the Executive Director:

- A. Director Joe Grubb was attending a meeting presented by the Citizen's Advisory Committee to the Unreinforced Masonry Building task force, held at the Civic Auditorium the evening of December 18, 1990;
- B. Deputy Mayor Brad Paul wishes to discuss issues with the District Attorney and has invited two Commissioners to attend with him and the Executive Director;
- C. The Rent Board Staff Christmas party will be held at 3:00 p.m. on December 21, 1990;
- D. Eviction Unit Supervisor Alicia Wicks spoke to the property management class at City College on December 13, 1990.

VIII. Old Business

- A. The Commissioners thanked Commissioner Carrico for a delightful party hosted by the Board;
- B. The Eviction Unit Supervisor reported to the Commissioners on eviction cases which would be referred to the District Attorney pursuant to Board approval.

IX. Calendar Items

December 25, 1990

NO MEETING--MERRY CHRISTMAS!

January 1, 1991

NO MEETING--HAPPY NEW YEAR!

January 8, 1991

4 appeal considerations

January 15, 1990

2 appeal considerations

5:45--Appeal Hearing: 125 Margaret Ave. L001-42A (acctpt. 12/18/90)

X. Adjournment

Vice-president McGoldrick adjourned the meeting at 6:20 p.m.

2







